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*S. Codman.*

**PUBLIC DOCUMENTS,**  
OF THE  
**LEGISLATURE OF MASSACHUSETTS;**

CONTAINING THE

**S P E E C H**

OF HIS EXCELLENCY GOVERNOR STRONG

WITH THE

ANSWER OF THE SENATE AND HOUSE OF  
REPRESENTATIVES;

**R E P O R T S**

OF THE SEVERAL COMMITTEES OF BOTH BRANCHES,

ON THE

MOST IMPORTANT SUBJECTS REFERRED TO BY HIS  
EXCELLENCY;

AND

**A REMONSTRANCE**

OF THE LEGISLATURE TO CONGRESS,

ON THE

PRESENT UNHAPPY WAR.

*Published by order of both Houses.*

===== *M. ...*  
BOSTON:

PRINTED BY RUSSELL AND CUTLER.

1813.

*Boston*

*Massachusetts*

*1813*

1913



## COMMONWEALTH OF MASSACHUSETTS.

*In Senate, June 15, 1813.*

*Resolved,* That two thousand copies be printed of the Speech of His Excellency the Governor, the Answer of the Senate and House of Representatives; Memorial of the Legislature to Congress; the Report of the Committee relating to the introduction of New States, beyond the original territory of the United States; the Report of the Committee relative to the defence of the sea coast; and the Report of the Committee relating to the refusal of the President to distribute the proportion of arms belonging to this Commonwealth; and the Clerks of the Senate and House of Representatives, are hereby directed to transmit one copy of each to the Governor, Lieutenant Governor, and each member of the Council, and each member of the Senate and House of Representatives of this Commonwealth, and to each member of the Senate and House of Representatives from this Commonwealth, in the Congress of the United States, and to the Selectmen of each town; and the Assessors of each unincorporated plantation in this Commonwealth.

Sent down for concurrence,

JOHN PHILLIPS, *President.*

In the House of Representatives, June 16, 1813,

Read and concurred,

TIMOTHY BIGELOW, *Speaker.*



# SPEECH.

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*Gentlemen of the Senate, and*

*Gentlemen of the House of Representatives,*

THE situation in which I am again placed imposes a duty upon me, by every exertion in my power, to promote the interest and safety of my fellow-citizens; their approbation of my conduct the last year, is peculiarly grateful, as it leads me to hope that my services in the year to come will be considered with the same indulgence: without it, I feel my incompetence at this difficult season, to discharge, in a satisfactory manner, the duties of the office which I have undertaken.

In pursuance of the authority given by the Resolve passed at the last Session of the General Court, empowering the Governor, with advice of Council, to adopt certain defensive measures for the protection of the towns and harbors in the Commonwealth, three judicious persons, skilled in military affairs, were commissioned to carry into effect the intentions of the Legislature, expressed in the Resolve. The Secretary will deliver you a report of their proceedings under that commission.

By a law of the United States, passed in April, 1808, the annual sum of two hundred thousand dollars was appropriated for the purpose of providing arms for the militia of the United States, to be transmitted to the

several States, in proportion to the number of the effective militia in each State, and to be distributed under such regulations as should be prescribed by the State Legislatures. In compliance with the request of the late General Court, in their Resolve abovementioned, I applied to the Executive of the United States, and requested such supply of muskets as might be conveniently furnished, and as might be considered the proportion to which this Commonwealth was entitled. A copy of the answer to this application, which I have received from the Secretary of War, will also be laid before you.

As we are engaged in War with a nation of great maritime strength, your attention will be directed in a particular manner to those parts of our extensive sea-coast, where the people are most exposed to depredations; and being deprived of their usual means of support, have already suffered severely, and are in danger of still greater evils. I have no doubt you will be disposed to afford them every assistance they may stand in need of, within the power of the State Government. It belongs to the National Government to protect each of the States in the Union, and provide for the common defence; but if an invasion should be made or attempted on any part of our coast, I am confident that our militia would promptly, and with cheerfulness, exert their utmost endeavours to repel it.

We are bound to obey the laws made in conformity with our Constitutions; but those Constitutions ensure to us the freedom of speech; and at this momentous period it is our right and duty to inquire into the grounds and origin of the present war; to reflect on the state of public affairs, and express our sentiments concerning them with decency and frankness; and to endeavor, as far as our limited influence extends, to promote, by temperate and constitutional means, an honorable reconciliation. By an unnecessary war, the

By

deepest guilt is incurred; and therefore every belligerent nation should inquire which of the contending parties is chargeable with this guilt.

When war was declared against Great Britain, our complaints were chiefly founded upon her Orders in Council; and though they were revoked within four days after the declaration was published, it will be useful to attend to them when we are considering the necessity of that measure. In November, 1806, the French Emperor issued his Berlin Decree, declaring the British islands in a state of blockade, and forbidding any commerce or correspondence with them.—To this succeeded the British Orders in Council, and other French Decrees, some of which were of a still more exceptionable character.

Although the Decrees of Berlin and Milan, and the Orders in Council, were injurious to neutral rights, it would be uncandid to suppose that the direct object of either nation was to injure the commerce of neutrals. The French Decrees might be thought necessary by that government to effect the subjugation of Great Britain; and the Orders in Council were declared by the latter to be retaliatory measures, adopted in consequence of the aggressions of her enemy, and to be revoked when those aggressions ceased. In their arduous struggles they seem to have thought only of themselves; and while those struggles continued, we must have known that our commercial intercourse with them would be exposed to numerous embarrassments; but we were consoled with the reflection that these would be counterbalanced by the advantages we derived from the war in Europe. Indeed it is probable if our Government had maintained a system of impartial neutrality, and had imposed no restrictions on trade, that notwithstanding those Decrees and Orders, we might, by reason of our neutral character, have enjoyed a commerce more lucrative for the last seven

years, than would have fallen to our share had the whole world been at peace.

In May, 1810, the Congress directed that the Non-Intercourse Act should cease as to that belligerent which should first so revoke its edicts as that they should cease to violate our neutral commerce, and that it should operate on the other which should neglect so to do within three months after the President's Proclamation, declaring the fact that such revocation had taken place. On the 10th of August following, the Duke of Cadore in a letter to our minister in France, stated that the Berlin and Milan Decrees were revoked, and that after the first of November then next, they would cease to have effect; it being understood that the English should revoke their Orders in Council, and renounce their new principles of blockade; or that the United States should cause their rights to be respected. This letter was considered by the President as an absolute repeal of the French Decrees, though it appeared to many persons at that time to have been only a provisional repeal, upon conditions that might never happen, and was not confirmed by any instrument of which the courts or people of France were obliged to take notice. The President, however, on the 2d of November, 1810, announced by Proclamation that the Decrees of Berlin and Milan were revoked; and in March following, the Congress passed a law confirming that Proclamation, and the revival of the Non-Intercourse against Great Britain.

When our Government was thus committed, it was the policy of the French Emperor to convince the British nation that his decrees were not revoked, and he took effectual measures for that purpose. His public ships by his authority and under his instructions committed depredations on our commerce and burnt our vessels; the French cruisers and privateers captured them and they were condemned in the French

Courts ; nor has France made the least reparation for the plunder. On the 31st of March, 1811, the Emperor declared to his Council of Commerce that the decrees of Berlin and Milan were the fundamental laws of his Empire.—Many other declarations of this kind were made by the French Government, and though our ministers remonstrated against them as containing no exception in favour of the United States, and requested some authentic act of the French Government to justify our national measures, no satisfaction could be obtained. If the President had then revoked his Proclamation, the numerous evils that have followed from that unfortunate measure might have been prevented. But as if the French Emperor was determined to put our Government in the wrong, the Duke of Bassano, in May, 1812, when it might be presumed that war between this country and England would take place, produced to Mr. Barlow a decree which bore date the 28th of April, 1811, repealing the decrees of Berlin and Milan, and assigning as the cause of the repeal, the Act of Congress of March, 1811. To suppose, therefore, that the French decrees were repealed on the 2d of November, 1810, involves the absurdity that the effect took place long before the cause.

At the same time that the above decree was produced by the French Minister, he informed Mr. Barlow that the decree had not been published ; but declared it had been communicated to our former Minister in France, and likewise sent to the French Minister here, with orders to communicate it to Mr. Monroe. On the correctness of this statement it may be improper to form an opinion until our Government explain the transaction. But of this we may be certain, that if that decree was made in April, 1811, according to its date, it was concealed for the purpose of producing a war between this country and Great Britain ; for the party who concealed it well knew, that

if that decree was known in England, the Orders in Council would be revoked. If the decree bore a false date, and had not been communicated to our Ministers, no man, either in the Administration or among the people, can hereafter doubt concerning the character of the French Government, or the impositions practised upon us.

The principal remaining alleged cause of hostility is the impressment of seamen from our merchant vessels.

The war in Europe opened to these States such an extensive field for commercial enterprize, that it might have been difficult to procure immediately such numbers of American seamen as could profitably be employed. Our wealth and navigation increased with a rapidity which has never been exceeded ; many thousands, therefore, of British seamen deserted that service for a more safe and lucrative employment in ours ; and greater numbers might have resorted to us, if they had not been apprehensive, that the British navy would reclaim them. But if there had been no competitors from abroad, as men will always employ their industry in the manner they find the most advantageous, the high price for that species of labour would soon have induced a sufficient number of Americans to become seamen ; in that case, the danger of impressment by British ships would have been prevented. It appears, therefore, that British seamen have been patronized at the expense of our own ; and should Great-Britain now consent to relinquish the right of taking her own subjects, it would be of no advantage to our native seamen ; it would only tend to reduce their wages by increasing the number of that class of men.

The British Government has never claimed a right to take our native American seamen ; had such claim been made, we all should have united to resist it. Great-Britain only claims the right of taking her own

subjects from neutral merchant vessels. In doing this, from a similarity in language, our citizens have sometimes been subjected to impressment; but so far as I have heard, they have been discharged when application was made in their behalf, and evidence furnished of their citizenship. In some instances, there may have been a wanton exercise of power by the impressing officers; but it is impossible for the best regulated State wholly to control the actions of its subjects, or restrain all its military and naval officers in their distant operations, from insolence and oppression; it is, therefore, a rule of national law, that the faults of individuals shall not be imputed to the nation, unless they are approved and ratified by the government.

Some abuses must undoubtedly happen from the difficulty of distinguishing Americans from Englishmen. But it appears from the examinations already made, that these abuses have been greatly exaggerated, and that only a small number of native Americans are in the British service, who have not voluntarily engaged; and of these the British minister, before the war, requested our government to furnish a list, that measures might be taken for their discharge. It is probable, that more than one third of the native American seamen belong to this state, and three-fourths are supposed to be from the States of New-York and New-England; if the number detained in British ships had been great, the complaints would have been loudest from this part of the Union; but the fact has been quite otherwise. You, gentlemen, represent every town in the Commonwealth, and will be able to ascertain how many of your neighbours are held, without their voluntary consent, in the navy of Great-Britain.

All the European nations agree in founding allegiance upon the circumstances of nativity; they claim and treat as subjects all those who are born within the confines of their dominions; although removed to ano-

their country in their youth. This doctrine of allegiance is also the common law of our own country, and as such, it often has been, and probably always will be, recognized by our courts.

The sovereigns of Europe have also universally assumed the right of prohibiting whenever they please, the departure of their subjects out of the realm; and we are told by the most approved writers on the law of nations, that a State has just cause of complaint against another which entices away, and employs its useful subjects. That every government has a just claim to the service of its subjects in time of war, and that all those who abandon their country when in danger, are deserters which she has a right to punish. It was upon this principle, that our laws for the confiscation of absentees' estates were passed, and if the principle is unsound, those laws were unjust.

Great-Britain complains, that we have allured her seamen into our employment by holding up superior inducements to them to quit her service and engage in ours; and this too, at a time when she was contending for all that was dear to her, against the most formidable and efficient force, that in any age of the world, has been united under one head. She asserts, that her seamen are essential to her safety; that though they are not liable to be taken from our national ships, and we have a right to protect them while they remain within our territories; yet, if they pass into her dominions, or if in transacting their own affairs on the high-way of nations, they come within her power, she has a right to take them in virtue of her prior claim; that the nations of Europe have for ages claimed and exercised this right, and that she can never relinquish it, so long as we employ her seamen, without endangering the existence of her navy. What hope of peace then can reasonably be entertained while such a sacrifice is required of her? A nation ought first to do jus-



tice to others, before it demands justice of them ; when war was declared, we knew that Great-Britain had suffered greatly by the desertion of her seamen into our service ; but had we done any thing to prevent or discourage it, though she alleged that they were necessary to her defence ; and to us, they were only useful as the means of acquiring wealth.

In the war between France and England, we professed to be a neutral nation. This amounted to an engagement on our part, that we would, in all things, shew an exact impartiality between the contending parties ; and policy as well as justice demanded of us an equal attention to both. But have we maintained this exact impartiality towards the belligerents ? Have not the restrictions upon our own commerce been calculated, as deeply to wound the interests of Great-Britain, without impairing the resources, or disturbing the continental system of her enemy ? We have expressed a just sympathy for our seamen, who are detained in British ships ; but have we shown a like sensibility for those who are confined in French prisons, until discharged by enlisting on board their cruizers. When the war commenced, had we not received as many and grievous insults from the French government as from the British ? And in what manner have we resented them ? Although in proportion to her maritime means of annoyance, we had suffered much greater losses from France than from England, has not our language to the former been mild and conciliating, and have we not to the latter indulged in offensive reproaches and undeserved asperity ? Men who sincerely desire peace, will not employ themselves to multiply the causes of dispute, and excite jealousy and irritation between the people of the two countries ; they will rather allay the passions than inflame them, and will think it no diminution of our dignity, if in doubtful cases we recede from a supposed right, rather than support it by artifice and violence.

It has been often asserted, that our national honor compelled us to engage in a war with Great-Britain—The honor of a nation consists in the display of its wisdom, justice, moderation, and magnanimity; it requires the Government to regulate its conduct for the greatest advantage of the State, and to pursue that series of measures, which most effectually promotes the welfare of the People. But that species of honor which would prompt us to wage war for every supposed instance of abuse or disrespect is not the honour of a wise and moral people—A proud or passionate individual will sometimes claim a right to sport with his own life, by putting it in hazard against the life of another.—But few men will avow, that Government has a right to expose the safety of the State, and the lives and fortunes of the citizens, merely to indulge its passions or gratify its ambition.

So far as conquest may be considered as the object of the present War, its policy, to say nothing of the justice of it, must be extremely doubtful. A few individuals may gain by an offensive War, but the great body of the People have nothing to gain or hope for. In republics, the increase of power and wealth has often occasioned severe calamities, by increasing their pride and arrogance, and inspiring rash councils and extravagant measures. But when they have been successful in foreign war, and acquired the title of conquerors, I think they have invariably and speedily lost their form of Government. A man who has a large army at his control, must have the virtue of a Washington, not to make use of it for his own aggrandizement. The National Constitution was formed and adopted for our own defence; there is not a clause in it, in which an extension of our territorial limits was contemplated.—The Congress, indeed, were authorized to admit new States into the Union; but every man knew, that under the Confederation it had been proposed to form a number of States in the western ter-

ritory, and Vermont was even then a candidate for admission. I presume, that no one thought of giving Congress the power to obtain by purchase or conquest the territories of other nations, and annex them to the United States, and form them, or subdivisions of them, into constituent parts of the Union.

A SUSPICION has been intimated, that the hostility of the Indian tribes was excited by British influence; as no proof has been offered to us on this subject, it might be sufficient to say, that a regard to vague and uncertain suspicions, exposes a nation to become an unjust aggressor. But has not our conduct towards those tribes been often oppressive and unjust; and have we not indulged an eager desire to obtain possession of their lands, when we had already millions of acres which we could neither cultivate nor dispose of? Perhaps the late unfriendly dispositions of the Indians may be accounted for, by the march of a hostile army into their country, and the battle which ensued, many months before war was declared against England.

In the present moral state of the world, it would seem, that our political friendship should be formed with some regard to that state. But are we encouraged by the moral qualities of the French government to take part in its wars? Or will any one say, that the cause of France is more just than that of Spain, Portugal, or Russia, or that her success would be more conducive to the happiness of mankind? Or should we cultivate the friendship of France, because she can do us more injury than England, or because her manners, religion, or policy, are more congenial to ours? In our embarrassed and alarming situation, it is, indeed, a very favourable circumstance, that the People have so generally expressed their utter aversion to a French alliance;—such an alliance would be the greatest calamity, and must produce the most fatal effects.

It is my wish, gentlemen, in making these observations, that they may lead to a dispassionate review of our conduct towards England and France, and of theirs in relation to us. While we attend to what is due to ourselves, we are not to forget what we owe to others; and in cases liable to the least doubt, the claims even of an enemy should be impartially examined. If, upon such examination, we are convinced that the War is necessary, we shall be justified in affording our voluntary aid to support it. But if we discover, that our opinions or measures have been erroneous, we have the strongest motives, both from interest and duty, to relinquish them. We may, indeed, deceive ourselves, and even resolve to cherish the deception; but the Supreme Arbiter, to whose retributive justice the most solemn appeal has been made, cannot be deceived, and will not with impunity be mocked.

In times of party zeal and public commotion, it may be difficult on some occasions to discern what is right. But I hope, that with a fixed attention to the duties imposed on us by our National and State Constitutions, and with a humble reliance on the Divine direction, the Members of this Government will in this perplexing period, preserve consistency of conduct, and adhere with undeviating constancy to the principles of justice and truth.

CALEB STRONG.

*May 28, 1813.*

ANSWER  
OF  
THE SENATE OF MASSACHUSETTS, TO THE  
GOVERNOR'S SPEECH.

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*May it please your Excellency,*

THE Senate of Massachusetts have met your Excellency, at the opening of the present political year, with the most lively emotions of respect and affection, and with devout thankfulness to the Author of all good, for your re-election to the office of Chief Magistrate. In this event, so propitious to the best interests of our country, we discern a satisfactory evidence of the virtue and intelligence of our fellow-citizens—and we can assure your Excellency, that the enlightened people of this Commonwealth have witnessed your administration, during the past year, not only with entire approbation, but with the warmest sentiments of veneration and gratitude. The cheerfulness, with which your Excellency has again accepted this high and responsible office, doubly arduous at this perilous crisis of our affairs, is a renewed proof of the pure and exalted patriotism for which your Excellency has ever been distinguished.

The Senate consider the view which your Excellency, in your communication to the Legislature, has taken of the causes which have produced the present calamitous situation of the country, to be so clear and comprehensive, that it would be difficult to make any observations in their answer, which your Excellency has not anticipated.

A frequent recurrence to the principles of our Constitution is necessary to a proper understanding and support of our rights and privileges.

That the freedom of speech and of the press is essential to the preservation of our free governments : —that all political power is derived from the people : —that they may resume the trust which was delegated for their welfare, whenever it shall be exercised to their ruin ; and that allegiance and protection are reciprocal—are positions in which all agree.

These rights are indeed liable to abuse. The freedom of speech may degenerate into licentiousness ; and the inherent right of the people to alter and amend their systems of government, may be perverted to the purposes of ambition. But notwithstanding the difficulties and dangers which must be encountered for the attainment and support of Civil Liberty, yet its blessings are a full reward for all the care and exertion necessary to its preservation.

The Constitution of the United States was the result of mutual forbearance and liberal compromise. There were, however, certain great interests, which were understood to claim its peculiar regard.

Among the most prominent of these were the encouragement and protection of commerce.—This was justly considered by the New-England and navigating States, as an indispensable condition of the compact. It was commerce which gave value to their enterprize and agriculture ; and so careful were they to guard this sinew of their strength, that a provision was introduced into the Constitution itself, exempting all exports from duty. This regard to commerce was not novel ; for in the Declaration of Independence it forms a conspicuous allegation against Great Britain.

that she had cut off our trade with all parts of the world.

It is not to be supposed that the navigating states would have adopted the constitution if they had foreseen that the effect of it would be the destruction of their commerce.

Soon after the constitution went into operation the war in Europe broke out, and the citizens of the United States were necessarily affected by its consequences.

It was then that the patriotism and firmness of Washington were again tried. Moved by considerations of justice as well as of policy, notwithstanding the embarrassments of a powerful opposition, and with means and resources inconsiderable, compared with those which were in the power of the present administration—he took and maintained the ground of an impartial neutrality.

The state of prosperity which followed this magnanimous course, was unexampled in the history of the world.

It was emphatically the golden age. Our commerce was extended through the world, richly rewarding the labour and enterprize of the farmer and the merchant, and furnishing abundant revenues for the support of government. With such an example before them, was it to have been expected that any administration, under circumstances nearly similar, would pursue an opposite policy? Could it have been believed that the original ground and bond of the union would be abandoned? that measures would be adopted and pursued with undeviating perseverance destructive of our commercial advantages? that a naval defence should not only be neglected but represented as an extravagant and useless expenditure!

It was naturally to be supposed that both Great Britain and France would be desirous of the aid of the United States in their sanguinary contest ; but it was obviously the duty and for the interest of this country to remain perfectly neutral. Why then has our country been involved in war, especially with ~~that~~ power whose means of annoyance so greatly exceed those possessed by the other ? Was Great Britain selected for our enemy because she has paid less regard to her treaties than France ? In utter contempt of her engagement, that free ships should make free goods, France has plundered and confiscated American property wherever it should be found. While one of these rival powers has, according to her agreement, compensated in damages with interest for injuries of which we complained, the other has avoided her compacts by the shameless avowal that she finds a real inconvenience in their performance. While one of them has convoyed, the other has burnt our ships in every sea.

The principal alleged cause of the war, was the Orders in Council ;—and although they have ceased, it is still necessary to consider the circumstances under which they were issued, rightly to understand the grounds and origin of that disastrous measure.

Our Ministers in London had concluded a treaty upon all the points in dispute between the two countries, just at the time when the Berlin Decree was published, prohibiting to neutrals all intercourse with Great-Britain. Aware of the injuries which she must sustain from that flagrant violation of the law of nations, she frankly informed our government, that if (contrary to all expectation) the United States submitted to that outrage, she should be obliged to retaliate upon France by prohibiting to neutrals all trade with her. The Berlin Decree was immediately enforced upon all American property within the reach



of French rapacity, as well in neutral territories as on the high seas. This was known to our government:—for it appears that as early as May, 1807, they informed our minister in France, that “there were proofs that the West India privateers had, under colour of that edict, committed depredations, which would constitute just claims for redress.”

The treaty was rejected by the President as unworthy of the consideration of the Senate: notwithstanding the duty to preserve an exact impartiality, no efficient measures were taken against France, for her violation of her treaty as well as of the law of nations: and after waiting nearly a year, Great-Britain issued her Orders in Council, of 11th November, 1807, retaliating the aggressions of France, in pursuance to the notice before given.

These, as your Excellency observes, were declared to be “retaliatory measures, adopted in consequence of the aggressions of her enemy, and to be revoked when these aggressions ceased.”

Our government contend that France has been the first to do justice to the United States: That she repealed her decrees, and ceased to violate our neutral rights in November, 1810;—and therefore, that Great Britain ought to have revoked her Orders: That, in consequence of her refusal, the Act of Congress, of March, 1811, was rightfully passed, prohibiting all intercourse with Great-Britain—a measure which the Emperor has graciously condescended to consider as “an act of resistance to the British Orders.”

The question is thus brought to a single point.—Did France repeal her Decrees, and cease to violate our neutral rights in November, 1810?

If she did, Great-Britain was bound upon her own principles to repeal her Orders.—If she did not, it

necessarily follows, that France has added insult to her original aggression.

The pretended repeal of the Decrees was upon condition in effect, that Great Britain should abandon the antient rights and usages of war, sanctioned by the public law touching blockades : “ a condition, which, (as your Excellency observes,) many persons supposed would never happen.”

Nevertheless our government conducted itself in relation to Great-Britain, as if the repeal had been absolute.

The ground taken by the American cabinet was, that France had ceased to violate the neutral rights of the United States, and they insisted that Great-Britain ought to believe it.

But the continued burning of American vessels by order of the commanders of the Emperor's ships—the indiscriminate plunder and confiscation of American property on shore—on the seas—in France—in Denmark—Naples, and other subjugated States : These outrages, connected with the repeated declaration of the Emperor, that the Decrees were the fundamental law of his empire, still operated upon the incredulity of Great-Britain.

At length, when it suited the purposes of the Emperor, but not till April, 1811—he made his repealing decree, and as we are informed, communicated it to our cabinet, although it was not made publick for more than a year after its date : and this puts the question, now under consideration, forever at rest. The Emperor declares that he repealed his decrees in consequence of our act of resistance to the British orders :—but our government declares that this act was in consequence of his repeal of the decrees.

“To suppose therefore, (as your Excellency remarks) that the French decrees were repealed on the 2d Nov. 1810, involves the absurdity, that the effect took place long before the cause.”

During all this period the negotiation was pending with Great-Britain. She making overtures to revoke her orders upon receiving evidence of the repeal of the decrees:—the actual repeal was carefully concealed—and the American cabinet employed itself in laboured essays to persuade Great-Britain, that the pretended repeal was real and absolute—until they terminated the discussions by a declaration of war.

It is now sufficiently apparent, that if the decrees had been effectually resisted, the Orders in Council would not have been issued—for as soon as the real repeal was produced, Great Britain annulled her orders according to her uniform engagement. Unfortunately, however, the country was plunged into the war, before the revocation could be known here.

The declaration of the French minister, that the Decrees of April, 1811, was communicated to our cabinet, was true, or it was not. If it was not true, why have not the administration indignantly denied the fact, and taken such a position in relation to that perfidious power as the occasion required? If it was true, and the war has been produced by the concealment, will not all the blood that has been or may be shed in carrying it on, be required at the hands of its authors?

If upon the discovery of the perfidy of the French government, the President had revoked his Proclamation, we agree with your Excellency, “that the numerous evils that have followed from that unfortunate measure might have been prevented.”

And considering the restrictions which the European powers, in time of peace, usually impose on trade with their colonies—we perfectly agree with your Excellency, “that it is probable that if our government had maintained a system of impartial neutrality and had imposed no restrictions on trade, that notwithstanding those decrees and orders we might, by reason of our neutral character, have enjoyed a commerce more lucrative for the last seven years than would have fallen to our share had the whole world been at peace.”

The Orders in Council having been thus removed, the only remaining alleged cause of war was the right which Great-Britain claimed to take her own seamen from our merchant ships.

That cause alone was not considered as a sufficient objection to the arrangement which was made with Mr. Erskine, and little doubt can be entertained, that another arrangement equally advantageous to the United States might have been made and the war instantly brought to a close. As impressments had been continually diminishing, it is not easy to perceive why the necessity of war for that cause should have increased.

Besides, the people had expressed great satisfaction with that arrangement, and would undoubtedly have rejoiced had a similar course been pursued.

By this we do not mean that the manner should have been exactly followed ; for we should exceedingly regret that any offensive terms should have been again introduced, having a direct tendency to defeat the negotiation.

The people fortunately understand the subject of impressment much better than formerly, and it will

be difficult to persuade them that they are to be benefited by the employment and protection of foreign seamen.

The result of the late investigation upon this subject in this Commonwealth, abundantly proves, that the risque of impressment of native American seamen is so small, that it scarcely excites their attention or regard. Indeed it must be considered as a singular circumstance that our western brethren should express and seem to feel so much more sympathy for the wrongs suffered by the seamen, than the seamen do for themselves.

It ought to be recollected, that the evidence on that examination, was taken under oath ; from merchants of this state who had employed the greatest number of seamen, in voyages to all parts of the world : and it is much to be desired that such further investigation will be had in other commercial states as will present the whole truth upon this very interesting subject.

We concur with your Excellency in the belief, “ that British seamen have been patronised at the expense of our own, and that if Great-Britain should consent to relinquish the right of taking her own subjects it would be of no advantage to our native seamen, it would tend only to reduce their wages by encreasing the number of that class of men.”

We believe there never was a subject more grossly misrepresented, both as to the cause and effect, than this of impressment.

Give our gallant seamen ships and employment, and they will not call upon the landmen for protection or for bread.

Your Excellency very justly observes, that “the national constitution was formed and adopted for our own defence, and that there is not a clause in it in which an extension of our territorial limits was contemplated.” Attached as we are to the union of the states upon the principles of the constitution, we are alarmed that Congress should ever have pursued a policy in the admission of new states, so entirely contrary to these principles, and so fatal to the safety of the union.

The duty imposed by the Constitution upon the General Government to provide for the common defence, was undoubtedly a principal reason for its adoption. But in what manner has this duty been performed ?

Although Massachusetts and other great navigating States have contributed immense sums for the support of the General Government, yet when they are plunged into the war by States, whose contributions have often fallen short of the expense of the collection, they are left to take care of themselves.

What measures have been adopted for the protection of our immense property on the ocean ? where are the troops, raised and paid by the United States ? They have been most improvidently drawn from the seaboard, the most exposed part of our country, for the purpose of invading the territory, and attacking the inhabitants of a neighbouring and unoffending province, which was sincerely desirous of continuing upon the most friendly terms with us : a province too, the conquest of which, if made, can be of no advantage, but may produce incalculable evils to our Country.

The refusal of the President to furnish this State with its proportion of arms, for which the State has

already paid, we hope is not a correct indication of the temper and disposition entertained by the General Government in relation to the aid which they propose to afford, in this war which has been so wantonly waged. Considering that the distribution was peremptorily required by law, to be made according to the effective militia of each state, we know not from whence the President derived his power to dispense with its obligations.

The accumulated evils which have fallen upon the people in consequence of the departure from the principles and policy of Washington, have in a great measure silenced the rage and lessened the asperity of party animosity.

Involved in one common distress, they look upon each other with astonishment and sympathy, and are anxious only for the publick safety.

Depending upon the blessings of Heaven our fathers braved and resisted oppression, and founded this free State upon the principles of civil and religious liberty.

We trust that their Sons have not degenerated—and that they will duly appreciate and defend their precious heritage.

We cordially unite with your Excellency in the “hope that with a fixed attention to the duties imposed by our National and State Constitutions, and with a humble reliance on the Divine protection, the members of this government will at this perplexing period, preserve consistency of conduct, and adhere with undeviating constancy to the principles of Justice and Truth.”

# ANSWER

OF THE

HOUSE OF REPRESENTATIVES OF MASSACHUSETTS,

TO THE

## GOVERNOR'S SPEECH.

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*May it please your Excellency,*

THE House of Representatives, receive with peculiar satisfaction your Excellency's communication to both Houses, and sincerely rejoice in the unequivocal testimony of the increased confidence and approbation of your fellow citizens, manifested in your recent election.

When your Excellency, in compliance with the anxious wishes of the people, consented the last year to leave the pleasures and tranquility of your favorite residence, and resume your high office ; you rendered to your country a service never to be forgotten.— A new order of things had arisen in this Commonwealth, inauspicious to personal security and the public peace. The most alarming innovations upon our ancient laws and usages were introduced under the sanction of the highest authorities. Freedom of speech and the right of the people to discuss in their assemblies the measures of Government, were denounced. The Law Officers of the Commonwealth were instructed to ransack files of newspapers in search of libels. To perpetuate the usurpation of party power, and effectually to prevent the reaction of public sen-



timent under any change of times or of affairs, the valuation which constitutes the basis of taxation, and of representation in one branch of the Legislature, was framed on principles grossly erroneous ; and the State was divided, without regard to the provisions of the constitution, the dictates of justice, or the principles of equality, into districts of the most preposterous and inconvenient forms for the purpose of securing political majorities. A monied institution was created, founded on the determination to abolish those already existing, and its capital was apportioned to counties and towns, upon a digested scheme of premiums for political corruption. The courts of justice were new modelled, and a general removal from office of those who were suspected of deviation from the creed of the ruling party was commenced and defended as a measure of political justice.

At this alarming juncture, the eyes of the people were turned towards your Excellency as to a tried and faithful friend, whose moderation and firmness were calculated to check the progress of these abuses and contribute to their reformation. These expectations have been fulfilled, and the good sense of the people with the benefit of your influence and example has rescued the state from oppression, and probably saved it from the horrors of a civil commotion.

We advert with great interest to your Excellency's observations upon the exposure of our sea coast to danger, and are deeply affected by information of the privations and sufferings to which the inhabitants are doomed in many places, by the wanton and cruel war in which we are engaged. As the General Government has wholly abandoned this important and extensive coast, and the trade so essential to their interest, as no portion of the immense revenue drawn from this State is applied to effective defence, and as we learn

from the War Department, that even the arms to which we are entitled by law, have been sent to prosecute a war of foreign conquest against our unoffending neighbors ; the dictates of self preservation demand that we should adopt measures for our own protection. And although a system of direct and internal taxation has been recommended by the President of the United States, which will add enormous burthens upon our Constituents, yet we confidently hope that the patriotism of our citizens will still be able to furnish some means of defence for our native State, should the General Government still continue to withhold that protection, which is guaranteed by the Constitution. It is, in these circumstances, a great consolation, that our brave and disciplined Militia, by your provident care have been reserved at home to repel invasion, instead of being sent on expeditions worse than fruitless, in which we might have been compelled to mourn over their defeats, when conscience would have forbidden us to rejoice in their success.

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The right and duty of a free enquiry into "*the grounds and origin*" of the present war will never be relinquished by our constituents, without a struggle. The doctrine that silent acquiescence in ruinous measures, must be enforced, because they are stamped with the forms of the constitution, is not adapted to their character or comprehension. They imbibed different theories, in those times, when their petitions and remonstrances were despised and rejected by a British Parliament, deaf to their complaints and alien to their feelings. Such a doctrine is an incentive to tyranny, to stifle opposition, by doing its work with despatch.

Your Excellency's illustration of the causes of the unjust war in which we are engaged, is so lucid and satisfactory, and your view of the controversy respecting the British Orders in Council and their claims to

their own seamen from our merchant service, so conformable to the law and usages of nations, that we can only respond your sentiments upon these subjects.

By the correspondence between the French and American Ministers, lately submitted to Congress, it is most evident that the nation has been drawn into a war, either by a disgusting imposition practised upon our Government by the French Emperor, which it comports not with their policy to represent in its true colors ; or by the concealment of a most important fact by our government, which it was their duty to disclose to the American People.

While many of the most upright and intelligent men have uniformly believed and maintained that the British Orders in Council afforded to our country no just cause of war, the doubts of others have probably arisen from divesting them of their declared character of measures of retaliation upon the conduct of her enemy ; all dispassionate persons will admit that this was a question of international law, which it was not *incumbent* upon Government to decide, whatever were the sentiments of its individual members. It should have sufficed for the practical Statesman to enquire, whether under existing circumstances, the interest or honor of the Country rendered war inevitable, and whether on supposition of the affirmative, justice or expediency demanded the selection of Great Britain for an enemy.

But the authors of the war appear to have confined their attention to the first of these questions. They admit, that as the injuries inflicted upon our commerce were professedly incidental to their state of hostility with each other, and were not justified as acts of direct aggression upon the flag of the United States, it was at least optional with this Government

to continue to treat them as of this character, and to oppose them by remonstrance, until the national honor demanded a more decided and vigorous course of proceeding. But is it not true that the unexampled fury and peculiar character and extent of the European contest—the power of the principal parties in the war, the complaints of administration against both, the remoteness of our situation, and our incapacity of bringing into operation against them any effective means of annoyance, our destitution of competent fleets and armies, the state of our finances and the example of other nations ; is it not true, that these and other circumstances combined to furnish the most fastidious honor with a dispensation from ordinary rules and obligations, and a fair apology for avoiding altogether, or at least for postponing until fully prepared, this last and terrible resort of nations ? No precedent to the disadvantage of the country, and no abandonment of just rights, could have been inferred from this forbearance.

Besides—in whose estimation was the national honor endangered ? Were we bound to dishonor ourselves in the opinion of France, that we might preserve the good graces of Britain, or to embroil ourselves with the latter, that our chivalrous spirit might be respected by the former ? Or were the unresisting vassals of French power among the nations of Europe to be the arbiters of our honor ? Or was it desirable to secure the applause of other neutrals who would willingly bestow upon us their admiration in exchange for the profit to be derived from avoiding our example ? Certainly when the passions of these evil times shall have subsided, the American nation will be convinced, as the people of Massachusetts are convinced, that this is not a war for honor, interest or independence, but the miserable catastrophe of a plan of policy founded on the pride of system, and in hatred of one nation and partiality to another—passions which in their

march towards the great objects of local aggrandizement and party power have trampled upon the interests of the union, and threaten those of New-England with final destruction.

While the friends of a commercial policy in our country have reason to lament the jealousy and precipitancy, which have precluded us from reaping the advantage of a state of affairs which can never be expected to recur, the advocates for republican governments throughout the world will deplore the failure of this last experiment of the capacity of such governments to shun the faults and vices incident to other forms. No essay was ever made under circumstances equally favorable. Aloof and distant from the storms which ravaged Europe, the attention of mankind was directed towards these States, as the sanctuary of the oppressed and the chosen residence of liberty and peace. The harrassed subjects of other governments, whose lives and fortunes are devoted to war at the nod of a master, regarded with envy the condition of a great people, who holding the sword in their own hand would not permit it to be wielded for the purpose of ambition or conquest, of vanity or revenge.—But this delusion has vanished, and unless better counsels prevail, we shall henceforth be distinguished from other republics, only by the increased facility with which the people have surrendered their interests and understanding, to their plausible and presumptuous leaders.



Admitting however, that our controversies with other nations had arrived to a crisis, which left no alternative but war, we still most fully assent to your Excellency's intimation that the selection of Great Britain for an enemy in preference to her adversary, cannot be justified. That nation by her superiority on the ocean, had effectually banished from it every hostile flag. The achievements of our naval heroes on

that element, exhibit satisfactory demonstration of their native prowess and skill, and excite vain regret, for the neglect to foster this natural and precious safeguard and ornament of the nation. Still it was not to be concealed, that in war, with our disparity of force, our commerce must become a prey to our enemy. Canada, far from offering inducements to conquest, would prove a fatal present, if it should be ceded by grant. The aggressions of Britain were last in order, least in degree, and accompanied by the benefit arising from the convoy of our ships, and the protection every where afforded against French depredations. Her interests, in many particulars, coincide with those of our own country. Her land was the birthplace of our ancestors ; her religion, her language, her laws, are ours ; and her downfall would draw after it the destruction of civil liberty throughout the world. If then a preference was due in entering the lists for honor to any nation, it was due to her. At peace with Great Britain, we should now have shared largely in the commerce of the world, and continued to be a prosperous and united people. In short, all the motives of prudence, justice and patriotism, which are characteristic of sound policy, forbade this unhappy controversy in a tone so loud, that we are compelled to look to other causes. These may be comprised in the fixed determination of those who displaced the friends, and undermined the policy of Washington, to retain power, and as subservient to this object, to cherish the prejudices which grew out of the revolutionary war, as a convenient and ready means of popular excitement. Hence too probably, the uniformly cold, captious, and ungracious deportment towards one nation, and the tame and tolerant and submissive attitude towards another.

We are duly impressed by your Excellency's suggestion, that the extension of territorial limits was

never contemplated by the framers of the Constitution. If the President and Senate may purchase land, and Congress may plant States in Louisiana, they may with equal right, establish them on the Northwest Coast, or in South America. It may be questioned hereafter, whether, after this formation of new States, the adherence of the old ones which dissented from the measure, to the Union, is the result of obligation or expediency. And it is evident that this multiplication of new States, not parties to the original compact must soon be regarded as fatal to the rights and liberties of some of the present members of the confederacy, and consequently as an insupportable grievance. This extension of territory has already excited a spirit of cupidity and speculation; which is among the causes of our present troubles. By means of power thus acquired, and the operation of the constitutional provision whereby three freemen in certain parts of the union, enjoy the same privileges in the choice of Representatives, which in other States is divided among five; the influence of Massachusetts and of the Eastern States, in the National Councils, is lost, and systems of commercial restriction, of war and conquest, fatal to their interests, and outrageous to their feelings, are founded on its ruins.

We are aware that the expression of these truths, which are wrung from us by the tortures of an unfeeling and unmerited policy, will be imputed (by those who are interested in such a construction) to disaffection to the union. When the Public Treasury has been lavished by Administration, as the price of fixing upon Massachusetts the suspicion and odium of her sister States; calumny acquires an importance, which a House of Representatives may notice without a culpable condescension. It is not true, as your Excellency is aware, that the good people of this Commonwealth, or of the metropolis, cherish

views inimical to the continuance of the union. Massachusetts was alert and decided in promoting the old and new confederations ; we remember also that under a wise Administration, the present Constitution was prolific in every species of prosperity ; we know that the affinities of interest which ought to unite us are natural, and predominate over the artificial collisions which tend to detach from each other the members of the great family. Nor are our intelligent citizens unmindful of the dangers, dissensions and final insignificance of the component parts, which too often attend the dissolution of confederated States. But on the other hand, we regard the union as only one of the objects of the Constitution. The others as expressed in the instrument, are to establish justice, ensure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and posterity. So long as the union can be made the instrument of these other constitutional objects, it will deserve the support of all the friends of their country. But it is for these only that it possesses a value in our esteem.— Without them it would prove a name and not a charm, and like other constitutional provisions, a fair subject of amendment. It was not betraying an indifference to the union, to protest against measures as weak and mischievous, which their authors afterwards abandoned as mischievous and weak. We have asked for an efficient protection to commerce, or that commerce should be permitted to take care of itself. Neither has been granted. The portion of the union which lives by commerce is plunged into war, by those who exult in their means of living without it, claiming however to be its best friends, and most competent to its regulation. Thousands deprived of the means of happiness which endear either government or country, remonstrate and complain, and are branded as Malcontents, by those who dispense seizures, forfeitures, penalties



and prisons, as bounties for the encouragement and protection of commerce.

The imputation of undue partiality to the British nation against the people of our State, is equally unfounded. The men of Massachusetts were the first to resist the pretensions of Great Britain—the blood of Massachusetts was the first that moistened the soil of Independence. Whence then this idle calumny? If the measures of Great Britain have been injurious to commerce, have we less interest than others in its welfare? If American seamen have been impressed, does not the number of our seafaring citizens exceed that of any other State? If Great Britain could be proved to be jealous of the prosperity of the United States, is not ours a country whose merchants and carriers must be the immediate objects of competition? It was, among other reasons, to preserve the importance of our country and commerce in the view of Great Britain, and to prevent the exposure of weak and vulnerable points: it was to cover the folly and self-conceit of visionary statesmen, that we opposed the measures which led to war, and that we are now anxious for peace. We foresaw that a commercial warfare with Great Britain would be unequal, and that the system of restrictions would recoil upon ourselves; and most sincere would have been our joy to have discovered and acknowledged the fallacy of our predictions.

We shrink from an anticipation of the probable consequences of a protracted warfare, to the welfare of our country, and we rejoice in every glimpse however feeble of returning peace. A negociation is announced as intended to be attempted in Russia.—The scene is distant, and the delay apparently needless. We have however no disposition to impede its progress, or by any measure to incur the charge of weakening the hands of those who have gone so far to effect what we

believe might be done with greater ease and promptness nearer home, and whatever may be our fears, we devoutly pray that the event may be peace. We are better reconciled to wait this issue in patience, as events have diminished the present danger of a French Alliance, a measure so pregnant, with every evil, and so utterly revolting to the sentiments of our people, that we trust no administration will persist in projects tending to such an issue.

To all the subjects recommended by your Excellency, we shall pay a prompt attention, and endeavor to terminate the session with all possible regard to the exigencies of the season.

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COMMONWEALTH OF MASSACHUSETTS.

IN THE HOUSE OF REPRESENTATIVES, JUNE 4, 1813.

**ORDERED**, That Messrs. THATCHER, *Warren*, LLOYD, *Boston*, HALL, *Williamstown*, BATES, *Northampton*, with such as the Hon. Senate may join, be a Committee to consider so much of His Excellency's Speech as relates to "an extension of our territorial limits" and forming new States without the territorial limits of the United States, with leave to report by bill or otherwise. Sent up for concurrence.

TIMOTHY BIGELOW, *Speaker*.

IN SENATE, JUNE 4, 1813.

Read, and concurred, and the Hon. Messrs. QUINCY, ASHMUN, and FULLER are joined.

JOHN PHILLIPS, *President*.

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THE Committee appointed to consider "so much of His Excellency's Speech as relates to an extension of our territorial limits "and forming new States without the territorial limits of the United States,"

RESPECTFULLY REPORT—

THAT they have considered the subject, committed to their investigation with the attention and solicitude, which its nature and importance demand, On

the one side, they have been careful to give full weight to all the obligations, which are due from the people of Massachusetts to the people of the United States ; as resulting from the federal compact. On the other, it has been their study not to forget the duties, which a powerful and independent state owes to itself and posterity ; on occasions, when great, constitutional, principles are, deliberately, violated. On occasions of this kind, in the opinion of your Committee, the duty of a people is as plain, as it is imperative. The beginnings of manifest usurpations are never to be neglected ; since silence, on the part of the people is, always, taken as acquiescence by the advocates of usurpation. What power seizes, without right, to-day, it holds, tomorrow, by precedent ; and the day after, by prescription. A wise people, therefore, will always canvass every new pretension of power at the threshold ; being assured that the liberties of a people have nothing to fear from vigilance, and every thing from apathy. Nor, in the opinion of your Committee, will a wise people refrain from such an examination because the nature of the usurpation, or the circumstances of the period, may, in the judgment of some, render farther measures untimely. Much is gained to liberty, by a distinct assertion of the constitutional principles, on which it rests. And a people may lose by being ignorant of their rights, but never by understanding them.

In entering upon this investigation, your Committee have not omitted to consider the reasons for present acquiescence, in violations of the Constitution, drawn from the particular embarrassments, resulting from the war, and the encouragements, which the enemy may receive from any evidence of discontent, at the present moment, among the states ; or among the people. They have given this suggestion all the attention it appeared to merit. But, in their opinion, this objection has the less weight, inasmuch as the

particular subject of animadversion is independent, altogether, of the principle of the war ; so far as this principle is known. Besides, it would be little else than a bounty, on foreign war, if domestick usurpation should find in it a shield, or a sanction. Your Committee have given this consideration the less importance from the conviction, they entertain, that the American people may have peace, whenever the administration of the general government shall seek it, with a sincere disposition for its attainment.

As your Committee have deemed it their duty not to be restrained, by such temporary considerations, from a deliberate and publick examination of the subject submitted to their inquiry, so, also, they have not been disposed to connect this great, constitutional question with the transient calamities of the day, from which it is, in their opinion, very apparently, distinguished, both in its cause and its consequences. In the view, therefore, they are about to present of this great constitutional question, they have confined themselves, strictly, to topicks and arguments drawn from the terms of the Constitution, and the history of the period, at which it was adopted ; and with a reference to fulfil their duty to their country and posterity, by a distinct avowal of their opinions and the grounds of them, with the hope of limiting the farther progress of the evil, rather than any expectation of immediate relief, during the continuance of the existing influences in the national administration.

The question, touching the admission, into the Union, of states, created in territories, lying without the ancient limits of the United States, has been considered, by your Committee, in relation to constitutional principles and political consequences. By an Act of the Congress of the United States, passed the 8th day of April, 1812, entitled, “ an Act for the admission of the State of Louisiana into the Union and

to extend the laws of the United States to the said State," the said State of Louisiana was admitted into the Union on an equal footing with the other States. This act was, in the opinion of your Committee, a manifest usurpation by the Congress of the United States of a power not granted to that body by the federal Constitution. The State of Louisiana was formed, in *countries situated beyond the limits of the old United States* ; according as those limits were established by the treaty of Paris, commonly called the Treaty of Peace, in the year 1783 ; and as they existed, at the time of the formation and adoption of the federal Constitution. And the position, which your Committee undertake to maintain is this, that the Constitution of the United States did not invest Congress with the power to admit into the Union, States, *created in territories, not included within the limits of the United States* ; as they existed at the peace of 1783, and at the formation and adoption of the Constitution. Your Committee are thus particular, in stating with precision, the constitutional ground, which they maintain, because the doctrine, here asserted, has been confounded, sometimes, artfully, sometimes, negligently, with the questions, which have arisen, concerning the admission of Kentucky, Vermont, Ohio ; or which may arise, on the admission of new States, to be created in the Michigan, Indiana or Illinois territories. With none of which has the question, now under consideration any affinity. These last mentioned States and territories all lie *within the old limits of the United States*, as settled by the Treaty of Peace, and as existing at the time of the formation and adoption of the federal Constitution. Now the State of Louisiana lies *without those limits* ; and on this distinction the whole question of constitutional right depends. The power, assumed by Congress, in passing this act for the admission of Louisiana, if acquiesced in, is plainly a power to admit new States, in-

to this Union, at their discretion, without limit of place, or country. Not only new States may be carved, at will, out of the boundless regions of Louisiana ; but the whole extent of South America, indeed, of the globe, is a sphere, within which it may operate without check, or control, and with no other limit than such as Congress may choose to impose on its own discretion.

Your Committee have, in vain, looked for any clause in the Constitution of the United States, granting such a power. In the first place, the parties, associating, are declared to be "*the people of the United States*," and the objects of the association are stated to be, "*to form a more perfect union, establish justice, insure domestick tranquillity, provide for the common defence, promote the general welfare and secure the blessings of liberty to OURSELVES AND OUR POSTERITY.*" Your Committee deem themselves authorized to assert, without fear of contradiction, that by the terms "*the people of the United States*"—"ourselves and our posterity," were intended the people inhabiting, and who should inhabit the States and territories lying within the limits of the United States, as they were established by the treaty of 1783 ; and as they existed at the time of the formation and adoption of the federal Constitution ; and that none of the terms of the Constitution indicate the idea that foreign states, or kingdoms, or new states, created in their territories, could be admitted into a participation of its privileges.

Indeed, it is not pretended, as your Committee understand, by the advocates of this usurpation, that it has any colour of justification, in the terms of the Constitution, unless it be in the third Section, of its fourth Article. The tenor of which is as follows :—

SECT. 3. "New States may be admitted by the Congress into this Union; but no New State shall be formed, or erected within the jurisdiction of any other state; or any state be formed by the junction of two, or more states, or part of states, without the consent of the Legislatures of the states concerned as well as of the Congress.

"The Congress shall have power to dispose of, and make all needful rules and regulations respecting the territory, or other property, belonging to the United States: and nothing, in this Constitution, shall be so construed as to prejudice any claims of the United States, or of any particular state."

Upon this section, your Committee observe, that, without reference to the known condition of the United States, and the history of the times when the Constitution was adopted, if the terms of this section be, alone, considered and examined by those rigid and approved rules of construction, recognized on similar occasions and relative to other instruments, the terms do not authorize the power, which has been assumed, but, on the contrary, do strongly and almost, necessarily, imply that no power was granted to admit states, created in territories, without the limits of the old United States.

The section contains the grant of an authority and expresses certain limitations to that grant. The first clause of the section "New States may be admitted, by the Congress into this union" is, indeed, very broad and comprehensive; and had there been no objects, within the old boundaries of the United States, sufficient to exhaust the whole force of the terms, some doubt might result upon the subject. Yet, even, in such case, it would seem incredible that an association of states, forming a constitution for purposes, ex-



clusively, their own, should transfer the power to Congress of admitting, at will, into a participation of their rights and privileges, any state, or kingdom, in any part of the globe, without expressing any limitation to the exercise of a power, in its nature, so great and critical.

Happily, however, we are not reduced to the necessity of supposing such an absurdity. The fact is notorious and undeniable, that the terms relative to the admission of New States had objects, *within the limits of the old United States*, sufficient to exhaust the full force of those terms, so that there is no necessity to resort to the creation of states, *without the antient limits*, in order to give efficacy to them. On the contrary, every limitation of the power, contained in this section shows, that no other operation of it was contemplated, except *within the old limits of the United States*. These limitations are relative to states *formed, or erected within the jurisdiction of any other state;—to states formed by the junction of two, or more states or parts of states;—to the disposal and regulation of the territory, or property of the United States;—to a reservation in favour of any claims of the United States, or any particular state.*

Now is it to be believed, that a power to create and admit states, beyond the antient boundaries of the United States was granted to Congress, absolutely, without any limits, while the, comparatively, unimportant power of creating states, within the antient boundaries is guarded by so many and so strict limitations? Had the admission of New States, to be formed in countries, then the parts of foreign and distant kingdoms, been contemplated, would not some terms have indicated the conditions, the principles or occasions, on which such annexation of a mass of foreigners, with their territories should take place?

In the opinion of your Committee the entire absence of any such restriction is, of itself, conclusive evidence that such admission of foreign countries, far from being contemplated, was not so much as, even, considered possible, by the framers of the constitution, or by the people at the time of its adoption.

The situation of the United States and the history of the times, when the constitution was adopted, strongly, corroborate this idea; indeed, in the opinion of your Committee render it so absolutely, demonstrable as to amount, in their minds, to certainty.

Such was the situation of the United States, at the time of the adoption of the constitution, that the admission of new states, in countries beyond the old limits of the United States does not appear to have been contemplated as an event probable, or even possible. On the contrary, the writings of that period and the debates of the various meetings and conventions, assembled for the purpose of considering the constitution show, that the extent of the United States, even within its antient limits was one of the principal objections to the practicability of the proposed constitution, within those limits. Your Committee have in vain sought in the history of the discussions of that period, for the expression of any opinion, either by way of reason in favour, or against the constitution, that, by any possibility, it might be susceptible of that construction of late given to it, and to which they object. The idea does not seem to have entered into the mind of any one that it was possible that such a construction could be given, and for the reason above suggested, that the extent of the country, as at that time existing, was urged, and admitted on all sides to be one of the most forcible objections to the practicability of the experiment.

It is well known that to secure the union of the thirteen primitive states, and the advantages thence resulting were the main objects of the federal constitution. To this was added the design of admitting such other states as might arise in their own bosoms, or in territories, included within the general limits of the old United States. By the proceedings of the old Congress, subsequent to the peace of 1783, it appears, that it was in contemplation to create and admit states, within the limits of the old United States, and not included within the particular boundaries of any state. But it appears no where, that, subsequent to the peace of 1783, the admission of states, beyond the limits then established was ever either proposed, or publicly contemplated.

Now it is very apparent to your Committee, that the power to admit states, created in territories, beyond the limits of the old United States is one of the most critical and important, whether we consider its nature, or its consequences. It is, in truth, nothing less than the power to create in foreign countries, new political sovereignties, and to divest the old United States of a proportion of their political sovereignty, in favour of such foreigner. It is a power, which, in the opinion of your Committee, no wise people ever would have delegated, and which, they are persuaded the people of the United States, and certainly, the people of Massachusetts, never did delegate. The proportion of the political weight of each foreign State, composing this union depends upon the number of the States, which have a voice under the compact. This number, the Constitution permits Congress to multiply, at pleasure, within the limits of the original States, observing, only, the expressed limitations, in the Constitution. To pass these limitations and admit States, beyond the ancient boundaries, is, in the opinion of your Committee an usurpation, as dan-

gerous as it is manifest ; inasmuch as these exterior States after being admitted on an equal footing with the original States, may, and as they multiply, certainly will become, in fact the arbiters of the destinies of the nation ; by availing themselves of the contrariety of interests and views, which in such a confederacy of States, necessarily, arise, they hold the balance among the respective parties and govern the States, constitutionally composing the Union, by throwing their weight into whatever scale is most conformable to the ambition or projects of such foreign states.

Your Committee cannot, therefore, but look with extreme regret and reprobation upon the admission of the territory of Louisiana to an equal footing with the original and constitutionally admitted States ; and they cannot but consider the principle, asserted by this admission as an usurpation of power, portending the most serious consequences to the perpetuation of this union and the liberties of the American people.

Although the character of this usurpation and its ultimate consequences ought, naturally, to excite an extreme degree of alarm, in this quarter of the country, as it indicates that new and unconstitutional arbiters, remote from our interests and ignorant of them, are admitted into the union, yet the nature of the remedy is, in the opinion of your Committee, a subject of much more difficulty than the certainty of the mischief. On the one hand, it is the duty of a free and wise people to meet encroachments upon the principles of their constitution in their first beginnings, and to give no sanction to the continuance, or repetition of such violations, by tameness or acquiescence. On the other hand, they are sensible that the people of Massachusetts, oppressed by the burden of an unjust and unnecessary war, are, at this moment, natur-

ally, more solicitous about instant relief from existing sufferings, than about the distant consequences of political usurpation. Nevertheless, in the opinion of your Committee, the Legislature of Massachusetts owe it to themselves, to the people of this State and to future generations, to make an open and distinct avowal of their sentiments upon this topick, to the end that no sanction may appear to be derived from their silence ; and also that other States may be led to consider this intrusion of a foreign State into our confederacy, under this usurped authority, in a constitutional point of view, as well as in its consequences and that, thereby, a concurrence of sentiment and a coincidence of councils may result ; whence alone can be hoped a termination of this usurpation ; and of the evils, which are, apparently, about to flow from it.

Your Committee, therefore propose for the adoption of the Legislature the following resolutions.

*Resolved*, as the sense of this Legislature, that the admission into the union, of States, created in countries, not comprehended within the original limits of the United States is not authorized by the letter, or the spirit, of the federal Constitution.

*Resolved*, That it is the interest and duty of the people of Massachusetts to oppose the admission of such States into the Union ; as a measure tending to the dissolution of the confederacy.

*Resolved*, That the Act passed the eighth day of April, 1812, entitled “ An act for the admission of the State of Louisiana into the Union and to extend the laws of the United States to the said State” is, in the opinion of this Legislature, a violation of the Constitution of the United States ; and that the Senators of this State in Congress be instructed, and the Rep-

representatives thereof requested, to use their utmost endeavours to obtain a repeal of the same.

*Resolved*, That the Secretary of this Commonwealth be directed to transmit a copy of these Resolutions to each of the Senators and Representatives of this Commonwealth in the Congress of the United States.

*By Order*,  
JOSIAH QUINCY.

IN THE HOUSE OF REPRESENTATIVES, JUNE 15, 1813.

Read and accepted. Sent up for concurrence.

TIMOTHY BIGELOW, *Speaker*.

IN SENATE, JUNE 16, 1813.

Read and concurred.

JOHN PHILLIPS, *President*.

COMMONWEALTH OF MASSACHUSETTS.

IN THE HOUSE OF REPRESENTATIVES, JUNE 4, 1813.

**ORDERED**, That Messrs. BATES, of *Northampton*, SARGENT, of *Boston*, SPURR, of *Charlestown*, and PREBLE, of *Portland*, be a Committee, with such as the Hon. Senate may join, to consider so much of his Excellency's Speech, as relates to the defenceless state of our sea coast, with leave to report by bill or otherwise.

Sent up for concurrence.

TIMOTHY BIGELOW, *Speaker*.

IN SENATE, JUNE 4, 1813.

Read and concurred, and the Honourable Messrs. THORNDIKE, WELLES and READ, are joined.

JOHN PHILLIPS, *President*.

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The Committee, appointed to consider so much of his Excellency's Speech, *as relates to the defenceless state of our sea coast*, requests permission to report:—

THAT they have given the subject all the consideration, which the importance of its nature and the alarm and anxiety of the publick required. It can hardly be necessary for your committee to state, that one of the primary objects of the federal compact, was, *to provide for the common defence*. In the preamble to the constitution, it is expressly assigned, as one of the great purposes, for which the union was formed,

Accordingly the respective states surrendered to the general government, all the powers, which were deemed necessary, for the accomplishment of this object; the right to declare war and make peace; the right to raise and support armies; the right to provide and maintain a navy; and the right to lay and collect taxes, duties, and imposts, as the exigencies of the publick might require. At the same time, the states, relying upon the general government for protection, formally divested themselves of the substantial powers of preparing, in time of peace, for their individual defence, in time of war.

But your committee are compelled to say, that, in their apprehension, this provision of the constitution has not been complied with in relation to this commonwealth. Massachusetts, possessing a sea coast of nearly six hundred miles, with about one-third of the tonnage of the union lying at her wharves, and a frontier of four hundred miles, bordering upon the hostile provinces of New-Brunswick and Lower Canada, is exposed at every point and open to the depredations and ravages of the enemy, as revenge, rapacity, or caprice, may dictate. It might have been expected, not merely as the result of an express provision of the constitution, but as the dictate of a wise and liberal policy, that the old commercial states, who achieved the revolution, and who have contributed more than their full shares towards the support of the general government, would not be abandoned for the conquest of a territory not worthy possessing as a gift. Nevertheless your committee find, that as dangers have accumulated, the garrisons upon your sea board have been reduced, and the commonwealth is given over to her fate, when alone a provision for the common defence becomes of any practical importance.



Your committee can discern nothing, either in the character of the war or circumstances of the country, to justify this conduct. If the union was not for the common defence, it may well be inquired, of what value is it to the people? If that defence may be withheld in time of war, the only time of danger, especially when aggression is provoked, it may well be asked, how far a wise and provident state ought to rely on such a resource for her security?

Most governments, both in antient and modern times, have availed themselves of the intervals of peace, to prepare for war, as the best way either to avoid or prosecute it with success. But the government of the United States seems to have reversed this decision of all former times, and have subverted in peace, to re-establish in war, the only sure means of defence to a commercial nation. Still it was optional with the administration, either to postpone the war to the preparation, or the preparation to the war. To select the latter and bring a war upon this people, whom they were bound to protect, without first furnishing that protection, is, in the judgment of your committee, but one remove from a declaration of war by the government itself against the people of this commonwealth. It is the same in effect; it is not distinguishable in principle.

A rich and maritime state, without adequate protection, exists only by sufferance. As she is a lure to rapacity, so she will become a victim to power, whenever, according to the calculations of interest, it may be expedient to bind her for the sacrifice. Hence it becomes a subject of deep and interesting consideration to the people of this commonwealth, how they are to provide for present defence and future security.

The most common and approved means of national defence are,

1st. By regular and permanent fortifications garrisoned by regular and well disciplined troops.

2dly. By an adequate number of vessels of war, and

3dly. By temporary fortifications and batteries with the aid to be derived from the militia.

Neither the first nor second method can be carried into effect in season for the emergencies of the present war. They are obviously beyond the reach and means of this state. But, in the opinion of your committee, it is doubtful whether we have the right to fit out vessels of war by the authority and under the commission of the commonwealth. If the conduct of the government of the United States be correct, in sending from the coast the publick ships of war, and neglecting to provide and substitute smaller vessels in their place, it *ought* at least to be doubtful whether it would be expedient. But if we have the right, your committee would enquire, whether it be a right, which ought to be exercised in the present unjust and destructive war? whether it is not a duty of high import and binding obligation, not to become partners of its guilt, by voluntarily embarking in its prosecution? and whether a naval force, fitted out by this commonwealth, and stationed off our ports and harbours, would not necessarily come in contact with our adversary. and, by frequent collision create mutual asperity, and ultimately involve us, as voluntary and active partizans, in the war?—your committee are of opinion that such a measure, considering the limited force which the commonwealth is able to furnish, instead of diminishing would augment, if possible, the existing evils, and instead of accomplishing would defeat the object in view,—the protection of the coasting trade.

The only remaining method of defence, which seems to be expedient, is by erecting temporary forti-

fications, and establishing batteries at such important places, as are most exposed to the casualties of war.

Should the president of the United States still refuse to furnish this commonwealth, with the arms to which, by law, we are entitled, it will be necessary for the commonwealth to furnish itself. According to the last return, there is a deficiency of 5,688, which we ought to be able to supply from the publick arsenal.

Your committee also beg leave to state, that although the militia of this commonwealth, is generally well disciplined, yet it is in vain to expect from it, that subordination and skill, which constitute the strength and efficiency of a regular army. in the present state of our country, your committee deem it necessary, that a portion of the militia should be organized into distinct corps, for the purpose of theoretick and practical instruction in the military art.

For the accomplishment of the foregoing purposes, your committee recommend the adoption of the following resolutions.

*Resolved*, that the governor, with advice of council, he and he is hereby authorized, to erect such fortifications and establish such batteries, as may be deemed necessary for the defence and protection of such towns within this commonwealth, as are most exposed to the invasion of an enemy, and the casualties of war, and to purchase, mount and furnish for the use of such town or towns, a competent number of pieces of ordnance with other suitable munitions of war. And to establish upon the head lands, capes and other convenient places, a line of signals, by which to give timely notice to vessels navigating along the coast, of an enemy's approach.

And in case the president of the U. States should refuse, or neglect to transmit to this commonwealth

the proportion of arms, to which the same is entitled by a law of congress passed April 23d, 1808, then and in that case, the governor is hereby authorized and empowered to purchase such number of fire arms for the use of the commonwealth, as from the returns of the militia thereof shall appear to be necessary.

And in order to carry into effect the purposes aforesaid, the governor is hereby authorized to employ one or more discreet and faithful persons, who shall be skilled in the science of engineering and gunnery, and who shall be entitled to a reasonable compensation for their services.

And the governor is hereby further authorized, to provide a sufficient guard for all arsenals, parks of artillery and military stores, the property of this commonwealth, as the same may, from time to time become necessary.

And the treasurer of this commonwealth, is hereby authorized and empowered, to borrow of any bank or banks in this commonwealth, a sum of money not exceeding one hundred thousand dollars, to be applied to the purposes aforesaid, and accounted for accordingly.

The aforesaid money to be borrowed in such sums as the governor with advice of council shall direct, and the governor is hereby authorized, from time to time to issue his warrant upon the treasury for such sums as may be deemed necessary for carrying into effect the purposes aforesaid.

*Resolved*, That the adjutant general be requested to consider and report to the general court at their next session, what alterations are necessary in the militia system of the commonwealth, and also, the best method of organizing and disciplining a select corps of troops, bearing a proportion to the whole

number of the militia of said commonwealth as one to five, as also the best method of organizing the exempts.

All which is humbly submitted, by

**ISRAEL THORNDIKE**, *per order*.

IN SENATE, JUNE 15, 1813.

Read and accepted. Sent down for concurrence.

**JOHN PHILLIPS**, *President*.

IN THE HOUSE OF REPRESENTATIVES, JUNE 16, 1813.

Read and concurred.

**TIMOTHY BIGELOW**, *Speaker*.

June 16th, 1813.—Approved,

**CALEB STRONG**.

**PAPERS,**  
ON THE  
**DEFENCE OF BOSTON, AND OTHER PLACES.**

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**AN ACT**  
MAKING PROVISION FOR ARMING AND EQUIPPING THE  
WHOLE BODY OF THE MILITIA OF THE  
UNITED STATES.

*BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the annual sum of two hundred thousand dollars be, and the same hereby is appropriated, for the purpose of providing arms and military equipments for the whole body of the militia of the United States, either by purchase or manufacture, by and on account of the United States.*

**SECT. 2.** *And be it further enacted, That the President of the United States be, and he hereby is authorized, to purchase sites for, and erect such additional arsenals and manufactories of arms, as he may deem expedient, under the limitations and restrictions now provided by law : Provided also, that so much of any law as restricts the number of workmen in the armories of the United States to one hundred men, be, and the same hereby is repealed.*

**SECT. 3.** *And be it further enacted, That all the arms procured in virtue of this act, shall be transmitted to the several states composing this union, and territories thereof, to each state and territory respectively, in proportion to the number of the effective*

militia in each state and territory, and by each state and territory to be distributed, to the militia in such state and territory under such rules and regulations as shall be by law prescribed by the Legislature of each state and territory.

**J. B. VARNUM,**

*Speaker of the House of Representatives.*

**S. SMITH,**

*President, pro tempore, of the Senate.*

April 23<sup>d</sup>, 1808.

APPROVED,

**TH: JEFFERSON.**

## COMMONWEALTH OF MASSACHUSETTS.

RESOLVE PROVIDING FOR THE DEFENCE OF BOSTON AND  
OTHER PLACES.—27th FEBRUARY, 1815.

**RESOLVED,** That the Governor, with advice of Council, be, and he is hereby authorized to adopt such defensive measures, and to carry the same into immediate execution, as may be deemed necessary to protect the town of Boston, its harbour and vicinity, and the towns, ports and harbours of this Commonwealth, from the invasion of an enemy during the present war.

And for the purpose aforesaid, the Governor is hereby authorized to employ any officer, or officers, person, or persons skilled in the science of engineering and gunnery, also to mount such number of heavy cannon, mortars, and howitzers, on travelling or fort carriages, as may be deemed necessary, to provide munitions of war, in sufficient quantities, and all the

necessary apparatus for a powerful train of heavy artillery, to ascertain and designate the posts or places where said artillery can act with the greatest effect against the enemy's shipping entering or attempting to enter our ports and harbours, to cause batteries to be constructed, and breast works to be thrown up where it may be deemed necessary, with furnaces to heat shot.

And the Treasurer of this Commonwealth is hereby authorized and empowered to borrow of any bank or banks in this Commonwealth, a sum of money not exceeding one hundred thousand dollars, to be applied to the purposes aforesaid, and to be accounted for accordingly.

The aforesaid money to be borrowed in such sums as the Governor, with advice of Council, shall from time to time direct, and the Governor is hereby authorized from time to time to issue his warrants upon the Treasury for such sums as may be deemed necessary for carrying into effect the purposes of this resolve.

*And be it further resolved,* That the Governor be requested to apply to the Executive of the United States, and respectfully request such supply of muskets, belonging to the United States, as may be conveniently furnished, and as may be considered the proportion to which this Commonwealth may be entitled, to be apportioned and distributed to the several towns of this Commonwealth, for the use of the militia thereof, in such manner as the Governor, by and with the advice of Council, may deem most for the publick service.



BOSTON, MARCH 1st, 1813.

SIR,

I HAVE the honour to enclose to your Excellency an extract from a Resolve of the General Court of this Commonwealth, passed on the 27th of February last; and in compliance with the objects of the Legislature expressed in the said Resolve, to request for the use of this State such supply of muskets belonging to the United States as may be conveniently furnished, and as may be considered the proportion to which this Commonwealth may be entitled.

I am, Sir, with great respect,

your most obedient humble servant,

CALEB STRONG.

*The President of the United States.*

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WAR DEPARTMENT.

MARCH 15, 1813.

SIR,

IN answer to your Excellency's Letter of the 1st instant, (enclosing a Resolution of the Legislature of Massachusetts, of February 27th, 1813, addressed to the President of the United States, and "requesting such supply of muskets as may be conveniently furnished, and as may be considered the proportion to which the Commonwealth may be entitled,") I have the honour to inform your Excellency, that as the arms provided, in virtue of the act of April 23, 1808, for arming and equipping the militia of the United States, have been inconsiderable, in proportion to the militia to be supplied, the President has deemed it most con-

ducive to the general interest to supply in the first instance the frontier states and the militia who have come forward in the service of the country. When the state of the publick arsenals will justify the measure, Massachusetts will receive her proportion of arms, agreeably to the provisions of the Law.

Very respectfully, I have the honour to be,  
your Excellency's most obedient servant,

**JOHN ARMSTRONG.**

His Excellency CALEB STRONG, }  
Governor of Massachusetts. }

IN SENATE,

MAY 28, 1813.

READ, and committed to the Hon. John Welles and Edmund Foster, Esq's, with such as the Hon. House may join, to consider and report. Sent down for concurrence.

**JOHN PHILLIPS, *President.***

IN THE HOUSE OF REPRESENTATIVES.

MAY 28, 1813.

READ and concurred, and the Hon. Mr. Lloyd and Messrs. Gardner of Bolton, and Richardson of North Yarmouth, are joined.

**TIMOTHY BIGELOW, *Speaker.***

## REPORT.

THE Committee to whom was referred the letter of the Secretary of War of the United States, to his Excellency the Governor, bearing date at Washington, March 15th, 1813, in answer to an application, made by his Excellency in compliance with a resolve of the honourable the General Court of the Commonwealth of Massachusetts, to the Executive of the United States, requesting such supply of muskets as might be considered the proportion to which the Commonwealth was entitled, under a law of the United States passed in April, 1808; by which law the annual sum of two hundred thousand dollars was appropriated for the purpose of providing arms for the militia of the United States, to be transmitted to the several states, in proportion to the effective militia in each state,—

RESPECTFULLY REPORT,

THAT the law of the United States referred to by his Excellency the Governor, and entitled, “an act making provision for arming and equipping the whole body of the militia of the United States, and appropriating annually two hundred thousand dollars for that purpose, provides that the arms procured in virtue of that act, *shall be transmitted* to the several states composing the union, and the territories thereof, to each state and territory respectively, in proportion to the number of effective militia therein, under such rules and regulations as shall be by law prescribed by the legislature of each state or territory.

In the apprehension of your committee, the terms of the law are simple, precise, and definite, admitting

neither of a perversion of purpose nor latitude of construction—of the favouritism of partiality, or an indulgence of caprice.

The people of the United States for the better defence thereof, by an act of their constituted authorities, set aside from their revenue the annual sum of two hundred thousand dollars, for arming and equipping the whole body of the militia of the United States, and expressly directed that the arms provided in virtue of that act should be transmitted to the several states composing the union and territories thereof; to each state, and territory, respectively, in proportion to the number of its effective militia. Hence it became the duty of the government not to wait for the application of the several states, but on the receipt of such supply of arms, as would admit of a reasonable division, promptly to transmit the same to the respective states and territories.

Whether this has been done, conformably with the provisions of the law, or consistently with those principles of respect, equality, and impartiality, which ought to regulate the conduct of the General Government towards each member of the confederacy—the history of the amount of this fund—the distribution of the arms—and the letter of the Secretary of War will determine.

The act having passed in April, 1808, it is evident that at this time one million of dollars must have accrued under it, and ought to have been appropriated towards arming the whole body of the militia of the United States. Of this sum, or the proceeds of it, on the ratio of her contributions to the revenue of the United States, Massachusetts would be entitled to about one fifth part, having paid upwards of forty millions towards the two hundred and fifteen millions of dollars derived by the United

States under the operation of the Federal Government—but predicated upon the more unfavourable ratio of the law, which in this case must govern, Massachusetts, although capable of bringing into the field an effective force of one hundred and twenty thousand free white citizens, for the purpose of sustaining her rights, of checking usurpation, or of repelling invasion, would be entitled only to the number of arms procured under the act of April, 1808, in the ratio that 70,530, the number of militia agreeably to the last return to the General Government from Massachusetts, bears to 719,449, the whole return of the militia of the United States as communicated to Congress by the President, on the 13th of February of the present year—thus giving to Massachusetts, an indisputable claim, a vested right, without the power of alienation or diversion, in any department of the General Government, to about one tenth of the said sum of one million of dollars already accumulated, or of about one tenth of the number of arms that have been procured therefrom.

And your committee further report, that, from the returns made to Congress by the war department in December last, it appears, that contracts, under the law of the United States of April 23, 1808, have been made for 100,200 stands of arms, of which 24,000 stands were contracted for in Massachusetts, and 9875 stands were actually delivered by the manufacturers within the State, prior to October last, and that, from these contracts, there had been received by the General Government, six months since, 31,640 stands of arms, at which time 53,560 stands of arms in addition were due, and ought to have been delivered into the publick arsenals, of which about one tenth part, from the moment of their receipt by the the General Government, became, in the opinion of your committee, the actual property of the state of Massachusetts, and by the terms of the same law, it

also became the duty of the administrators of the General Government, to have caused a proportion of them in that ratio to be transmitted or delivered to this State ; that not a single musket of this number has been received, or has been intended to be transmitted, or delivered, is too apparent, from the reply of the Secretary of War to the application of his Excellency.

Of the distribution of the stands of arms which had been actually received by the Government of the United States, under the law of April, 1808, it appears from returns made to Congress by the Department of War to the month of December last, that

1000 stands had been delivered to New-Hampshire.

2500 ————— to Vermont.

1000 ————— to Rhode-Island, to which State 250 stands had also been loaned.

1000 ————— to New-Jersey.

500 ————— to Delaware, to which State 650 stands of arms had also been loaned.

2130 ————— to North-Carolina.

2000 ————— to South-Carolina.

1000 ————— to Georgia.

1500 ————— to Ohio, to which State 3500 stands had also been loaned.

1500 ————— to Kentucky.

1500 ————— to Tennessee.

250 ————— to Louisiana, and

216 ————— to the Territory of Illinois, and that there had been loaned to the District of Columbia, 2200.—

What has become of nearly 16,000 stands of arms in addition, which are acknowledged to have been received, and of 53,560 stands of arms which were contracted to be delivered on or before the 7th October, 1812. and remain unaccounted for ; or what

number has been received since October, or under what authority the Department of War has assumed a discretion neither given, nor warranted by the law, of loaning an excess beyond the proportion to which it was entitled by the provisions of the law, to any State or Territory, or of making any loan whatever, your committee have not the means of ascertaining; and the short duration of the present session of the legislature will not admit of a timely reference to the only source, from which perhaps information might be obtained.

Of the causes, or pretences which have induced the Government of the United States to furnish eleven states of the union, the District of Columbia, and the Territory of Illinois, with a proportion of arms, which it has seen proper to withhold from the populous, respectable, and exposed state of Massachusetts, and which had been delivered from its own manufactories—the letter of the honourable John Armstrong, secretary at war of the United States, of March 15th, communicated by his excellency, furnishes the evidence.

By that letter, his excellency is informed, that “the president has deemed it most conducive to the general interest to supply in the first place the frontier states, and the militia who have come forward in the defence of the country, and that when the state of the publick arsenals will justify the measure, Massachusetts will receive her proportion of arms agreeably to the provisions of the law.”

In commenting on these reasons of the secretary at war, for the omission to transmit, or to deliver to the state of Massachusetts, the proportion of arms to which it was entitled, your committee beg leave to remark, that the state of the publick arsenals in December last, as it respects the supply of arms, pro-

vided for the respective states and territories, will be manifested by the preceding statement, from which it appears, that of the 85,200 stands of arms, which were due to the general government from the contractors in October, and of which it is acknowledged 31,640 had at that time been delivered, short of 16,100 had been distributed as late as December last; but they confess they are wholly unable to comprehend, or perceive, even on the alleged principles of distribution, how the withholding from the state of Massachusetts, rashly and unpreparedly plunged, in common with the rest of the union, into a disastrous war with the most powerful maritime nation the world ever witnessed;—possessing a defenceless, more extended, and more densely populated sea board than any other state in the union, intersected with ports and harbours in every direction, heretofore, by the goodness of God, the blessings of peace, and the industry of their inhabitants, the native havens of one third of the tonnage of the nation, and bordered by a long line of boundary, on the east, and on the north, by the provinces of the enemy; can be justified or palliated, by a pretence, that it has been deemed most conducive to the general interest, in the first place to supply the frontier states, and in consequence, to omit the transmission or delivery of a single musket, to a state, with a frontier of nearly a thousand miles in circuit.

The additional cause assigned by the Secretary at War, for withholding the proportion of arms allotted to Massachusetts—“that it was most conducive to the general interest to supply in the first place, the militia who have come forward in the service of the country,” alone remains to be considered; and your committee with reluctance approach this part of the duty assigned them; for they are confident that while the state of Massachusetts, among the most ancient and powerful of the sisters of the great family of



states, who compose this confederated empire, will duly guard her own honor, and self respect, and will ever be alive to the maintenance of her just rights at every hazard, that she will never compromise her dignity, nor stoop from her pride of place, to repel unmerited aspersion, if any such were intended, on the motives of the man, whom she is gratified to honor, who has evinced himself to be a wakeful watchman on the citadel, and a faithful guardian of the constitutional rights, and liberties of his fellow-citizens; nor upon a militia, inferior to none in the union, and who are at once the ornament, the boast, and the security of the state which has reared, and formed, and which delights to cherish and respect them. And should at any time hereafter any insidious foe seek to sow the seeds of jealousy and discord between the militia of the several parts of the union, by unfounded imputations on the efficiency or patriotism of the military of Massachusetts—the legislature will view all such attempts with horror, and reject them with disdain.

Under the influence of these convictions, the committee forbear to dilate on this part of the letter of the secretary at war, and limit themselves to reporting, that from the whole view of the subject which they have been enabled to take, they are of opinion, that the proportion of arms provided under the law of the United States of the 23d of April, 1808, to which the state of Massachusetts is entitled, has been unduly withheld from her, and that in the present exposed situation of the country, it is the imperious duty of the legislature to place that part of it under their protection in an effective state of defence, as speedily as may be practicable; and they therefore recommend the adoption of the following resolutions.

*Resolved*, As the sense of this Legislature, that by the provisions of the law of April 23d, 1808, it was the duty of the President of the United States, to cause to be transmitted to the State of Massachusetts, in conformity to the request of his Excellency the Governor, of the first of March last, the proportion of the Arms prescribed by said law, which, according to the plain and explicit terms thereof, cannot, under any pretence, be justly or lawfully withheld.

*Resolved*, That the application of his Excellency the Governor for the transmission of said Arms, in pursuance of the resolve of the Legislature of the 27th of February last, was, in every respect, suitable and proper ; and that the refusal to comply with said request was a rejection of an indisputable claim to property legally vested in this Commonwealth, and a neglect to perform a duty enjoined upon the Executive Department of the National Government by the positive provisions of law.

*Resolved*, That the terms in which this refusal is expressed, in the Answer of the Secretary at War to the letter of his Excellency the Governor, convey an indirect censure against the Government and Militia of Massachusetts, for a neglect to discharge its duty as a constituent part of the Union—which even if it had been just, could have formed no plausible pretext for the refusal—but which being altogether unfounded, the Legislature, from the perfect respect for their Chief Magistrate, their confidence in the courage and patriotism of the Militia, and their sense of duty to themselves and their constituents, are bound to repel, as an attempt to fix an unmerited stigma upon the character of this Commonwealth.

*Resolved*, That the Adjutant-General of this Commonwealth be directed forthwith to forward to the Secretary at War, of the United States, a copy of these resolves, and in case of a further refusal, or neglect, beyond a reasonable time, to transmit the arms which rightfully belong to this State, by virtue of the law aforesaid; that his Excellency the Governor be requested to forward similar copies to each of our Senators and Representatives in the Congress of the United States, that they may endeavor to obtain, by the interposition of the legislative authority, our proportion of the means provided from the common revenue "for the common defence," which the Executive department has unjustly withheld, and which our exposed situation during the present calamitous state of the country imperiously demands.

IN THE HOUSE OF REPRESENTATIVES, JUNE 14, 1813.

Read and accepted. Sent up for concurrence.

**TIMOTHY BIGELOW**, *Speaker*

IN SENATE, JUNE 15, 1813.

Read and concurred.

**JOHN PHILLIPS**, *President*.

## COMMONWEALTH OF MASSACHUSETTS.

IN THE HOUSE OF REPRESENTATIVES, JUNE 8, 1813.

*ORDERED*, That Messrs. MILLS, *Northampton*, SULLIVAN, *Boston*, GOODWIN, *Berwick*, and DWIGHT, *Springfield*, be a Committee, with such as the Hon. Senate may join, to consider what measures it is expedient for this Legislature to adopt in relation to the unhappy war in which we are engaged;—the means to induce a speedy restoration of peace;—and to restore this Commonwealth to the blessings of a free and unmolested commerce, and to that influence in the councils of the nation, to which she is so justly entitled—with leave to report. Sent up for concurrence.

TIMOTHY BIGELOW, *Speaker*.

IN SENATE, JUNE 8, 1813.

Read and concurred, and the Hon. Messrs. PERKINS, BLAKE, and HOLMES are joined.

JOHN PHILLIPS, *President*.

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*June 12th, 1813.*

THE Committee of both Houses appointed “to consider what measures it is expedient for this Legislature to adopt, in relation to the unhappy War in which we are engaged, the means to induce a speedy restoration of Peace, and to restore this Commonwealth to the blessings of a free and unmolested commerce, and to that influence in the Councils of the Nation, to which she is so justly entitled,” have attended the service assigned them, and ask leave to report a Remonstrance to the Congress of the United States, which is herewith annexed.

All which is respectfully submitted.

T. H. PERKINS, *Per Order*.

## REMONSTRANCE.

*To the Honourable the Senate, and the Honourable  
the House of Representatives of the United States,  
in Congress assembled :*

THE Legislature of Massachusetts, deeply impressed with the sufferings of their constituents, and excited by the apprehension of still greater evils in prospect, feel impelled, by a solemn sense of duty, to lay before the National Government, their view of the public interests, and to express with the plainness of freemen, the sentiments of the people of this ancient and extensive Commonwealth.

Although the precise limits of the powers reserved to the several state sovereignties have not been defined by the constitution, yet we fully coincide in the correctness of the opinions advanced by our venerable Chief Magistrate, that "our Constitutions ensure to us the freedom of speech, and that, at this momentous period, it is our right and duty to inquire into the grounds and origin of the present war, to reflect on the state of public affairs, and to express our sentiments concerning them, with decency and frankness, and to endeavour, as far as our limited influence extends, to promote, by temperate and constitutional means, an honourable reconciliation."

If then, such are the rights and duties of the people, surely those, who, at this solemn crisis, are selected by them, and who are specially honoured with their confidence, may venture respectfully, but frankly, to express the sentiments and feelings of those whom they have the honour to represent.

The States, as well as the individuals composing them, are parties to the national compact, and it is their peculiar duty, especially in times of peril, to watch over the rights, and guard the privileges solemnly guaranteed, by that instrument. Certainly then this expression, from the Legislature of the free and independent Commonwealth of Massachusetts, will not be disregarded, by the present Congress of the United States. For although the numerous petitions and remonstrances of the people of this State, in relation to such measures as they deemed dangerous to their rights, and ruinous to their interests, have heretofore been received, in a manner little calculated to produce that harmony, and to cement that Union which ought to be the permanent aim of the general government ; yet we cannot but indulge the hope, that new councils and a more conciliatory spirit will distinguish the several branches of the present national Legislature—That they will endeavour, by the exercise of justice and impartiality, to allay the apprehensions, and restore the confidence of the Eastern and Commercial States—to remove their actual sufferings—and to replace them in the happy and prosperous condition from which they have been driven, by a succession of measures, hostile to the rights of commerce, and destructive to the peace of the Union.

It is not to be expected, that a hardy and industrious people, instructed in the nature of their rights, and tenacious of their exercise, whose enterprise was a source of individual wealth and national prosperity, should find themselves obliged to abandon their accustomed employments, and relinquish the means of subsistence, without complaint ; or that a moral and christian people should contribute their aid, in the prosecution of an offensive war, without the fullest evidence of its justice and necessity.

The United States, from the form of their Government, from the principles of their institutions, from the

sacred professions which, in all periods of their history, they have made, from the maxims transmitted to them, by patriots and sages, whose loss they can never sufficiently deplore, as well as from a regard to their best and dearest interests, ought to be the last nation to engage in a war of ambition, or conquest.

The recent establishment of their institutions, the pacific, moral and industrious character of their citizens, the certainty that time, and prudent application of their resources would bring a seasonable remedy for any transient wrongs, would have induced a wise and provident, an impartial and temperate administration, to overlook, if it had been necessary, any temporary evils, which either the ambition, the interest, the cupidity, or the injustice of foreign powers might, occasionally, and without any deep and lasting injury, have inflicted.

With these maxims and these views, we cannot discern any thing, in the policy of foreign nations, towards us, which, in point of expediency, required the sacrifice of so many and so certain blessings, as might have been our portion, for such dreadful and inevitable evils, as all wars, and especially in a Republic, entail upon the people.

But, when we review the alleged causes of the war against Great Britain, and more particularly, the pretences for its continuance, after the principal one was removed, we are constrained to say, that it fills the minds of the good people of this Commonwealth, with infinite anxiety and alarm. We cannot but recollect, whatever the pretences of the emperor of France may have been, pretences which have uniformly preceded and accompanied the most violent acts of injustice, that he was the sole author of a system, calculated and intended to break down neutral commerce, with a view to destroy the opulence, and cripple the power of a rival, whose best interest, and whose real policy were, to uphold that commerce, so essential to her own prosperity.

It is not for us to decide, whether the enemy of France did, or did not, adopt the most natural and efficacious means of repelling her injustice. It is sufficient, that we are persuaded, the United States might, by a firm and dignified, yet pacific resistance to the French decrees, have prevented the recurrence of any retaliatory measures on the part of Great Britain—measures not intended to injure us, but to operate on the author of this unjust and iniquitous system. And, however honourable men may differ, as to the justice of the British retaliatory orders in Council, we do not hesitate to say, that France merited, from our Government, a much higher tone of remonstrance, and a more decided opposition.

In reviewing the avowed causes of the present war, we would, if it were possible, pass over a series of transactions, imperfectly explained, and calculated to excite our alarm and regret, at the hasty manner, in which it was declared. But the history of the pretended repeal of the French Decrees, which, if our government was sincere, we are bound to believe, was the immediate cause of the war, is so well attested, and has been so often discussed, and is, besides, so important in this inquiry, that mere motives of delicacy cannot induce us to pass it over, without notice.

If war could be justified, against Great Britain exclusively, it must have been, on the ground, assumed by our government, that the French decrees were actually repealed, on the 1st of November 1810. The indiscriminate plunder and destruction of our commerce—the capture of our ships, by the cruizers of France, and their condemnation, by her courts, and by the emperor, in person—his repeated and solemn declaration, that those decrees were still in force, and constituted the fundamental laws of his empire, at a period, long subsequent to the pretended repeal, seemed to furnish an answer, sufficiently conclusive, to this question; and we cannot but lament, that evidence, so satisfactory to the rest of the



nation, should have had so little weight, with that Congress, whose term of service has lately expired.

But this important question is now definitively answered ; and the American people have learned, with astonishment, the depth of their degradation. The French emperor, as if, for the perfect and absolute humiliation of our government, and for the annunciation to the world, that he held us in utter contempt, reserved, till May 1812, the official declaration of the fact, that these decrees were not repealed, until April, 1811 ; and then, not in consequence of his sense of their injustice, but because we had complied with the condition he had prescribed, in the letter of the Duke of Cadore, in causing "our rights to be respected," by a resistance to the British orders ; and he has since added, that this decree of repeal was communicated, to our minister at Paris, as well as to his own at Washington, to be made known to our Cabinet. As the previous pledge of Great Britain gave the fullest assurance, that she would repeal her orders, as soon as the decrees, on which they were founded, should cease to exist ; and as her subsequent conduct leaves no doubt, that she would have been faithful to her promise, we can never too much deplore the neglect to make known this repeal, whether it be attributable to the French government, or our own.

If to the former belong the guilt of this duplicity and falsehood, every motive of interest, and every incitement of duty call loudly upon our administration, to proclaim this disgraceful imposition, to the American people ; not only, as it would serve to develop the true character and policy of France, but, to acquit our own officers of a suppression, too serious to be overlooked, or forgiven.

But whatever may be the true state of this mysterious transaction, the promptness, with which G. Britain hastened to repeal her Orders, before the declaration of war, by the United States, was known to her, and the restora-

tion of an immense amount of property, then within her power, can leave but little doubt, that the war, on our part, was premature, and still less, that the perseverance in it, after that repeal was known, was *improper*, *impolitic*, and *unjust*.

It was *improper* ; because it manifested, in this instance, a distrust in the good faith and disposition to peace, of a nation, from which we had just received a signal proof of both.

It was *impolitic* ; because it gave countenance to the charge, of a subserviency to the views of France, and of an ulterior design of co-operating, with her, in the profligate and enormous project of subjugating the rest of Europe.

It was *impolitic* ; as it tended to unite all descriptions of people, in England, in favor of the present war, and to convince them, however erroneously, that moderation and fairness, on her part, only laid the foundation of new claims, and higher pretensions, on ours.

*It was unjust* ; because the evidence, afforded by the prompt repeal of the Orders in Council, ought to have satisfied us, that Great Britain was sincerely disposed to maintain and preserve pacific relations, with the U. States ; and all wars are unjust, the objects of which can be attained, by negotiation.

*It was unjust* ; because the whole history of our diplomatic intercourse, with G. Britain shews, that we never induced her to believe, that we considered the impressment of her own seamen, on board our merchant ships, as a reasonable ground of war ; and we had never offered her the alternative of war, or a relinquishment of this practice.

*It was unjust* ; because the pretensions and claims, on the one side and the other, although attended with

difficulties, were not irreconcilable. G. Britain did not claim the right to impress our native seamen.—She disavowed the practice, in all cases, when the fact was made known to her—she restored, on legal evidence—she had recently offered to return all who were of that description, of whom a list should be furnished, by our government—and she had many years before, made such offers of fair and amicable arrangement of this whole subject, as, to two distinguished members of our present cabinet, appeared “both honorable and advantageous.”

*It was unjust ;* because we had not previously taken all the reasonable steps, on our part, to remove her complaints of the seduction and employment of her seamen. This is made manifest, by the conduct of the same Congress which declared the War, they having admitted the propriety of obviating those complaints, by an act passed subsequent to the commencement of hostilities.

No state in the union can have a greater interest, or feel a stronger desire, to protect commerce, and maintain the legitimate rights of seamen, than this Commonwealth. Owners of one third of all the navigation, and probably, furnishing nearly one half of all the native seamen, of the United States, we are better enabled to appreciate the extent of their sufferings, and must also be presumed, to sympathise with them, more sincerely, than the citizens of states, destitute of commerce, and whose sons are not engaged, in its prosecution ; unless it be admitted, that the sufferers, their parents, relatives and friends, are less interested in their welfare and protection, than those who are united to them, only, by the feeble ties of political connexion.

With all the means of information, furnished by every motive of duty, and every inducement of interest, we are constrained to say, that this evil of impressment

has been grossly exaggerated ; that we have reason to believe, an honest and fair proposal, as honestly and fairly executed, to exclude the subjects of Great Britain from our service, would have much more effectually relieved our own seamen, and more essentially advanced their interest, than a resort to war ; that the true interests of the United States coincide with the policy, adopted, by all other countries ; and that we should be more independent, our seamen would be better protected, and our country eventually more prosperous, by renouncing altogether, the pretension of screening, and employing British seamen.

The doctrine of natural allegiance is too well founded, has been too long established, and is too consonant with the permanent interest, the peace and independence of all nations, to be disturbed, for the purpose of substituting in its place, certain visionary notions, to which the French Revolution gave birth, and which, tho' long since exploded there, seem still to have an unhappy influence, in our country.

Having thus found the avowed causes of the war, and especially the motives for a perseverance in it, so wholly inadequate, to justify the adoption of that policy, we have been obliged to resort to other, and more concealed motives. We cannot however, without the most conclusive evidence, believe, although the measures and language of some high public functionaries indicate the fact, that ambition, and not justice, a lust of conquest, and not a defence of endangered rights, are among the real causes of perseverance, in our present hostilities.

Must we then add another example to the catalogue of Republics, which have been ruined, by a spirit of foreign conquest ? Have we no regard to the solemn professions we have so often repeated, none to the ex-

ample, none to the precepts of Washington ? Is it possible, either to acquire, or to maintain, extensive foreign conquests, without powerful standing armies ? And did such armies ever long permit the people, who were so imprudent, as to raise and maintain them, to enjoy their liberties ?

Instances of military oppression have already occurred, among us ; and a watchful people, jealous of their rights, must have observed some attempts to control their elections, and to prostrate the civil, before the military authority. If the language of some men, high in office—if the establishment of a chain of military posts, in the interior of our country—if the extensive preparations which are made in quarters, where invasion cannot be feared, and the total abandonment and neglect of that part of our country, where alone it can be apprehended, have excited our anxiety and alarm, as to the real projects of our rulers, these emotions have not been diminished, by the recent invasion, seizure and occupation of the territory of a peaceable, and unoffending neighbor.

If war must have been the portion of these United States—if they were destined by Providence, to march the downward road to slavery, through foreign conquest and military usurpation, your Remonstrants regret, that such a moment, and such an occasion should have been chosen, for the experiment—that while the oppressed nations of Europe are making a magnanimous and glorious effort, against the common enemy of free States, we alone—the descendants of the Pilgrims—sworn foes to civil and religious slavery, should voluntarily co-operate with the oppressor, to bind other nations in his chains ; that, while diverting the forces of one of his enemies, from the mighty conflict, we should endanger the defenceless territories of another. in whose ports the flag of ~~our~~ independence was first

permitted to wave, now struggling for existence, beneath his iron grasp.

Permit the Legislature of this Commonwealth, whose citizens have been ever zealous, in the cause of freedom, and who contributed their utmost efforts, for the adoption of that constitution, under which, in former times, we enjoyed so much prosperity, most respectfully, but earnestly, to entreat and conjure, the constituted authorities of the nation, by the regard due to our liberties, to our union, to our civil compact, already infringed—to pause before it be too late. Let the sober, considerate, and honorable Representatives of our sister States, in which different councils prevail, ask themselves,

Were not the territories of the United States sufficiently extensive, before the annexation of Louisiana, the projected reduction of Canada, and seizure of West Florida ?

Had we not millions upon millions of acres of uncultivated wilderness, scarcely explored, by civilized man ?

Could these acquisitions be held, as conquered provinces, without powerful standing armies ? and would they not, like other infant colonies, serve as perpetual drains, of the blood and treasure of these United States ? Or is it seriously intended, to adopt the dangerous project of forming them into new States, and admitting them into the Union, without the express consent of every member of the original confederacy ? Would not such a measure have a direct tendency to destroy the obligations of that compact, by which alone our union is maintained ?

Already have we witnessed the formation and admission of one State, beyond the territorial limits of the United States, and this too, in opposition to the

wishes and efforts, as well as, in violation of the rights and interests, of some of the parties to that compact—and the determination to continue that practice, and thereby, to extend our Republic, to regions hitherto unexplored, or peopled by inhabitants, whose habits, language, religion and laws are repugnant to the genius of our government, is openly avowed.

Against a practice, so hostile to the rights, the interests, the safety of this State, and so destructive to her political power; so subversive of the spirit of the Constitution, and the very principles upon which it is founded; your Remonstrants, in the name and behalf of the Commonwealth of Massachusetts, feel it their duty to enter their most deliberate and solemn protest.

If an extensive, confederated republic is to be maintained, and we most fervently pray that it may, it can only be, by a free communication of the grievances felt, and the evils apprehended, by any of its members; and by a prompt and liberal remedy. The same spirit of concession which dictated the formation and adoption of the Constitution, should be kept in permanent and perpetual exercise.

The blessings of government, its vigilance, its protection, its rewards, should be equally, and impartially distributed, and its burdens as equally, and fairly imposed. No portion of the union ought to be sacrificed, to the local interest, passions, or aggrandizement of others. It cannot however, be denied, that causes have occurred, to disturb the balance, which, when adjusted, was intended to form the principal security of our present compact. But the remedy is in the power of Congress, and we look to their wisdom, for its efficacious and speedy application.

The chief motive which influenced the Eastern states, to abolish the old confederation, and to surren-

der a greater share of their own sovereign power, as appears by the recent history of those times, was the expectation, that their Commerce would be better protected, by the national government.

The hardy people of the North stood in no need of the aid of the South, to protect them, in their liberties. For this, they could safely rely, as they always had done, on their own valour. But it was an important object with them, that every aid, facility and encouragement should be given to that Commerce, upon which their prosperity, almost exclusively depended.

To ensure this great object, a very unequal proportion of political power was conceded, to the Southern States. The representation of Slaves, was the price paid, by the Northern States, for the stipulated protection and encouragement of their trade, and for an agreement of the southern members of the Union, that the public burdens should be apportioned, according to representation. Experience however, has proved, that, although the contract, on our part, has been faithfully fulfilled, both these considerations have utterly failed.

Indications of a spirit hostile to commerce were early visible, among some of those who now control the destinies of our Republic. But the Father of his Country then presided, in our Councils, and this spirit was vanquished. Under the influence of the wise, and liberal, and magnanimous system, adopted and pursued, by his administration, commerce was indeed cherished, extended, and protected ; and the stipulations of the constitution were fulfilled, in sincerity and good faith.

Since that period however, the same spirit has arisen, and has exhibited an unrelenting severity, in the exercise of its sway—until, at length, by a series of restrictions, utterly destructive of the calculations of the merchant—by prohibitions and double duties—by



embargoes and non intercourse—and lastly, by war, the poor remains of that Commerce which once covered the ocean with its sails, have been nearly annihilated.

Nor has the other part of the consideration been better fulfilled—Taxation has never, except in a single instance, and that to one hundredth part only of the revenue raised under the constitution, been appropriated, according to representation; and with what reluctance it was then submitted to by the Southern States, and with what tardiness it was even partially collected, public records will determine.

Of the two hundred and fifteen millions of dollars, derived by the United States, under the operation of the Federal Government, Massachusetts has paid upwards of forty millions—an amount, beyond all proportion to her political weight in the Union.

If therefore, the revenues, derived from this Commonwealth, and paid into the national treasury, had been preserved, in her own, she would have been fully competent to her own defence, and would not have been obliged to solicit, nor experience the injustice of a refusal, of the arms, for which she has long since paid, and which were her due, from the general Government. What good cause can be assigned, for this refusal, your Remonstrants are wholly unable to determine. No discretion is, by law, vested in any officer of the Government, in relation to this subject. Its provisions are simple, plain, and peremptory. Your Remonstrants therefore, cannot but express their astonishment, that the State of Massachusetts, possessing a sea coast, more extensive and populous, than that of any other State in the Union, and a defenceless frontier by land, should not only be entirely abandoned, by the Government whose duty it is to protect her, but should also be refused the arms, for her own defence, to which she is, by law, entitled. They cannot

however, permit themselves to doubt, that Congress will forthwith adopt such measures, as will render, to this Commonwealth, that justice which the Executive Department has refused.

If the war, in which we have been rashly plunged, was undertaken to appease the resentment, or secure the favor of France, deep and humiliating must be our disappointment. For although the emperor is lavish in his professions of "love for the American people," applauds our ready self devotion, and declares "that our commerce and our prosperity are within the scope of his policy," yet no reparation has been made, or offered, for the many outrages, indignities and insults he has inflicted on our government, nor for the unnumbered millions, of which he has plundered our citizens. And when we consider, the course of policy pursued, by our Rulers, in their external relations, and commercial restrictions, from the prohibition of our trade to St. Domingo, to the declaration of war against Great Britain—that this course often received his open approbation, and was not unfrequently, conformable to the system which he himself had adopted—when we consider also, the mysterious secrecy which has veiled the correspondence of the two governments, from our view—and above all, when we consider, that in many instances, the most important measures of our government have been anticipated, in Paris, long before they were known to the American People, we cannot conceal our anxiety and alarm, for the honor and independence of our country. And we most fervently pray, that the sacrifices we have already made, like the early concessions of Spain, and Portugal, of Prussia, and Sweden, may not be the preludes, to new demands and new concessions ; and that we may be preserved, from all political connexion, with the common enemy of civil liberty.

To the constituted authorities of our country, we have now stated our opinions, and made known our complaints.

Opinions, the result of deliberate reflection, and complaints “wrung from us, by the tortures of that cruel policy” which has brought the good people of this Commonwealth, to the verge of ruin. A policy which has annihilated that commerce, so essential to their prosperity—increased their burdens, while it has diminished their means of support—provided for the establishment of an immense standing army, dangerous to their liberties, and irreconcilable with the genius of their constitution—destroyed their just and constitutional weight, in the general government—and, by involving them in a disastrous war, has placed, in the power of the enemy, the control of the Fisheries; a treasure of more value to the country, than all the territories, for which we are contending, and which furnished the only means of subsistence, to thousands of our citizens—the great nursery of our seamen—and the right to which can never be abandoned, by New England.

Under such circumstances, silence towards the government would be treachery, to the people. In making this solemn representation of our sufferings, and our dangers, we have been influenced, only, by the duty which we owe to our constituents, and our country, to our consciences, and the memory of our fathers. And to the Searcher of all hearts we appeal, for the purity of our motives, and the sincerity of our declarations.

Far from wishing to embarrass the administration, in any of their negotiations for peace, we cannot but express our regret, that they should not have evinced a sincere desire, for this great object, by accepting some of the repeated overtures, made by the enemy, for the suspension of hostilities.— And permit us, in conclusion, most earnestly to request, that measures may immediately be adopted, to stay the sword of the destroyer, and to prevent the further effusion of human blood; that our invading armies may be forthwith recalled, within our own territories; and that every effort of our rulers may bespeedily

directed, to the attainment of a just and honorable peace ; that mutual confidence, and commercial prosperity may be again restored, to our distracted and suffering country ; and that by an upright, and faithful administration of our government, in the true spirit of the constitution, its blessings may be equally diffused, to every portion of the Union.

*In the House of Representatives, June 14, 1813.*  
Read and accepted. Sent up for concurrence.

**TIMOTHY BIGELOW**, *Speaker*.

*In Senate, June 15, 1813.*  
Read and concurred.

**JOHN PHILLIPS**, *President*.

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#### COMMONWEALTH OF MASSACHUSETTS.

IN THE HOUSE OF REPRESENTATIVES, JUNE 16, 1813

*Ordered*, That the Hon. the President of the Senate and the Hon. the Speaker of the House of Representatives, be, and they hereby are requested forthwith to transmit to the Senators of this Commonwealth, one copy of the Remonstrance of this Legislature, to the Congress of the United States, and one copy thereof to the Representatives of this Commonwealth in Congress, duly authenticated, that the same may be presented to the respective houses to which they belong.

Sent up for concurrence.

**TIMOTHY BIGELOW**, *Speaker*.

IN SENATE, JUNE 16, 1813.

Read and concurred.

**JOHN PHILLIPS**, *President*.

1875

1876

Stephen Codman Esq









**This book is under no circumstances to be  
taken from the Building**

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